

17 DECEMBER 1947

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Wednesday, 17 December 1947

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
"War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

Appearances:

For the Tribunal, all Members sitting.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All the accused are present
4 except MATSUI who is represented by counsel. We have
5 a certificate from the prison surgeon at Sugamo
6 certifying that he is ill and unable to attend the
7 trial today. The certificate will be recorded and
8 filed.

9 Mr. Brannon.

10 - - -
11 TAKAJIRO INOUE, called as a witness on
12 behalf of the defense, resumed the stand and
13 testified through Japanese interpreters as follows:

14 CROSS-EXAMINATION

15 BY MR. BRANNON (Continued):

16 Q We were speaking yesterday about the common
17 upper limit proposal of Japan regarding naval limitation.
18 You stated in your affidavit that it was too sudden a
19 leap to advocate the establishment of a common upper
20 limit.

21 I will ask you if such a plan was not proposed
22 by France back in 1928 and was not a new idea.

23 A Well, if you consider the idea of a common
24 upper limit alone, then it can be said that France had
25 once before proposed it.

1 Q Yes. Now, who was the Foreign Minister at
2 this particular time mentioned in your affidavit and
3 what were his views in regard to this common upper
4 limit proposal?

5 A The Foreign Minister at that time was Mr.
6 HIROTA, Koki, and his views also were along the same
7 lines as those I have set forth in my affidavit as I
8 understood it.

9 Q Mr. HIROTA gave instructions to the plenipoten-
10 tiary of the disarmament conference of 1936, did he not,
11 to the effect that the basic policy of the Imperial
12 Government was to establish a common maximum limitation?

13 A Yes, as you say. However, if my recollection
14 is not mistaken, the instructions were given jointly
15 with the Minister of the Navy.

16 MR. BRANNON: I refer the Tribunal to exhibit
17 3,001, annex 20, which is directly on this point.

18 Q I will not argue with you on this, Mr. Witness.
19 I have the paper in front of me which states that the
20 instruction was from Foreign Minister HIROTA alone.

21 Who was the Prime Minister at that time and what
22 were his views?

23 A I think the Prime Minister was Admiral OKADA,
24 Keisuke. I do not know what kind of views he entertained.

25 Q You don't know then whether he agreed with Mr.

TOGO or not?

1 A The draft of the instructions were brought
2 up before the cabinet meeting and there decided upon.
3 And therefore as far as the draft instructions were
4 concerned, they were decided upon following an agree-
5 ment among the Prime Minister and other cabinet
6 ministers at the time the draft plan of the instructions
7 was finally approved.

8 Q And if a single one of the cabinet members
9 had disagreed with this proposal, it could not have
10 been passed, could it?

11 A Well, I do not have any exact recollection as
12 to what the procedure at the cabinet meetings were at
13 that time, but I believe that they were as just mentioned
14 by you, Mr. Defense Counsel.

15 Q Is it your position that Mr. TOGO was better
16 able to advise on these matters of naval security than
17 the Foreign Minister, the Premier or the naval experts
18 of the Navy itself?

19 A Mr. TOGO at that time was not only Director of
20 the European-Asiatic Bureau of the Foreign Office, but
21 also the Bureau Director in charge of naval questions;
22 and at the time was one of those officials of the Foreign
23 Office most versed in the question of naval disarmament.
24 As a matter of fact in 1932 Mr. TOGO was Secretary General

1 of the Japanese delegation at the Geneva Disarmament
2 Conference and it is my consideration -- my belief --
3 that Mr. TOGO was, from the standpoint of the Foreign
4 Office's viewpoint, on naval disarmament questions the
5 most suitable person and the most qualified person to
6 handle these matters, as one dealing in the business of
7 naval disarmament questions.

8 Q His experience was confined between the years
9 1932 and '34 largely, was it not, regarding such naval
10 matters?

11 A At the time the naval disarmament question
12 was brought up at the Washington Conference in 1922,
13 Mr. TOGO was Chief of Section 1 of the European-American
14 Bureau of the Foreign Office. At that time the European-
15 American Bureau of the Foreign Office was the bureau
16 in charge of all naval questions and therefore as an
17 official in that bureau, which was directly and
18 indirectly concerned with the question of naval dis-
19 armament, he was already concerned with such questions
20 at that time. Furthermore, at the time of the London
21 Naval Conference in 1930, Mr. TOGO, if my recollection
22 is not mistaken on this point, was counselor of the
23 Japanese Embassy in Germany. Hence I believe that
24 Mr. TOGO was well informed with the progress of and
25 the situation relating to the London Naval Conference,

INOUE

CROSS

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and as one of the staff members of the Japanese
1 Embassy in Germany continued his studies and
2 observations of naval questions at the time.
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1 Q Well, Mr. TOGO did not devote himself exclusively
2 to naval matters during this period of time, did
3 he, Mr. Witness?

4 A Of course, the naval questions were -- Mr.
5 TOGO did not handle naval questions exclusively, but,
6 as Director of the European-American or European-
7 Asiatic Affairs Bureau, he was the Bureau Director in
8 charge of naval questions, and, although there was no
9 specific section created in the bureau to handle naval
10 question up to that time, a special section was estab-
11 lished to handle naval questions under the supervision
12 of Mr. TOGO when the London naval disarmament negoti-
13 ations -- naval disarmament negotiations in connection
14 with the London Conference took place in the year 1935
15 to '36.

16 And, therefore, I do not think it would be an
17 over-exaggeration to say that from 1934 onward Mr. TOGO,
18 as Director of the Bureau of European-Asiatic Affairs,
19 handled the naval question exclusively.

20 Q You know, as a matter of fact, do you not,
21 that if the Japanese naval proposal had been accepted
22 there would have been a drastic reduction in all types
23 of naval craft, do you not?

24 A We, of the Foreign Office, consistently advo-
25 cated the reduction in naval strength as a means of

lessening the burdens of the people.

1 The Foreign Office frequently asked of the
2 Navy as to what strength the Navy would be satisfied
3 with in the event the Japanese plan was accepted by
4 the Naval Conference, but in response to this inquiry --
5 these frequent inquiries from the Foreign Office, the
6 Navy replied that the question of naval strength be-
7 longed exclusively to the naval high command and was
8 not a matter in which the Foreign Office should in any
9 way interfere, and, therefore, we were unable to learn
10 of the substance or concrete intentions of the Navy in
11 respect to Japanese naval strength.

12 Q Just a moment. My question to you was simply:
13 Q Would not there have been a drastic reduction in the
14 Q naval armament of the world if the Japanese plan had
15 Q been accepted. I don't want a dissertation. You can
16 Q answer that question very briefly.

17 A Reductions may have been effected, however --
18 A but the reason why I gave you my explanation a little
19 A while ago is that we were unable to know just to what
20 A extent such reductions would take place.

21 MR. BRANNON: That is all, Mr. President.

22 MR. SUTTON: The prosecution does not desire
23 MR. SUTTON: to cross-examine the witness.

24 MR. BLAKENEY: May the witness be excused on

the usual terms?

1 THE PRESIDENT: I have a question by a Member
2 of the Tribunal.

3 BY THE PRESIDENT:

4 Q What was OKA's position at this time?

5 A OKA, Takasumi, was one of the few able disarm-
6 ament experts in the Navy, and at the time a special
7 disarmament -- naval disarmament section was established
8 in the Navy. Although I do not remember correctly, I
9 think it was called the Investigation Section, and
10 at that time OKA was the officer in charge of that
11 section. I do not know whether he was known as the
12 section chief, but he was the officer in charge.

13 MR. BLAKENEY: May he be excused?

14 THE PRESIDENT: He is excused accordingly.

15 (Whereupon, the witness was excused.)

16 MR. BLAKENEY: My next witness, Admiral OKADA,
17 Keisuke, was reported last evening as being sick and
18 unable to attend the Tribunal, and, therefore, if his
19 presence for cross-examination will be insisted upon,
20 I shall have to postpone presentation of his evidence.

21 MR. SUTTON: May it please the Tribunal, the
22 prosecution does desire to cross-examine this witness.

23 MR. BLAKENEY: Does that mean, if I may ask,
24 that the prosecution desires that the reading of the

1 affidavit be postponed or that I may read the affidavit
2 and produce him upon his recovery.

3 MR. SUTTON: We would ask that the affidavit
4 be read when the witness is present.

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1. THE PRESIDENT: Very well, that is the
usual course. Will it affect the logical sequence?

2. MR. BLAKENEY: Only in that it may bring
3. him to the stand after the defendant TOGO himself,
4. and I should prefer to have all the testimony in
5. beforehand, so that his cross-examination can relate
6. to all of his evidence.

7. THE PRESIDENT: Better withhold the affi-
8. davit.

9. MR. BLAKENEY: I now offer in evidence the
10. affidavit of the witness Kadowaki SUEMITSU, defense
11. document No. 2741. I understand that his presence
12. for cross-examination is not desired.

13. THE PRESIDENT: Admitted on the usual terms.

14. CLERK OF THE COURT: Defense document
15. 2741 will receive exhibit No. 3626.

16. (Whereupon, the document above
17. referred to was marked defense exhibit
18. 3626 and received in evidence.)

19. MR. BLAKENEY: I shall read the affidavit
20. exhibit No. 3626, which, omitting formal parts, is
21. as follows:

22. "1. I entered the Foreign Ministry in
23. June 1924 and served as Chief of the Personnel Sec-
24. tion from March 1940 to October 1942 under Foreign

Ministers ARITA, MATSUOKA, TOYODA and TOGO.

1 "2. Toward the end of spring of 1941 (I
2 do not recall the date), as Chief of the Personnel
3 Section I called on Mr. TOGO one evening at his private
4 residence, at the order of my superiors, and in
5 accordance with my instructions requested him to
6 tender his resignation from his post as ambassador.
7
8 Mr. TOGO then had the rank and held the nominal post
9 of ambassador; but since his return from Moscow in
10 the preceding October, after his recall by Foreign
11 Minister MATSUOKA, he had had no assignment in the
12 Foreign Ministry, and in fact had already been re-
13 quested by Minister MATSUOKA personally and through
14 the Vice-Minister to resign. In answer to my re-
15 quest for his resignation, Ambassador TOGO told me
16 that he was not only opposed to the foreign policy
17 of Foreign Minister MATSUOKA, but was entirely dis-
18 satisfied with the way the Minister conducted personnel
19 affairs, that he would not submit his resignation
20 because submission of a resignation might be construed
21 as concurrence with the Minister's policies, and that
22 therefore the Minister should take steps on his part
23 to remove him from his ambassadorship if he so desired.
24 Mr. TOGO further stated to me in more detail his
25 views critical of Mr. MATSUOKA's policies. Thus

1 "Mr. TOGO refused to submit his resignation in spite
2 of the request made by Foreign Minister MATSUOKA,
3 and I so reported to my superiors.

4 "3. Shortly after Mr. TOGO's assumption of
5 the Foreign Ministership in the following October I
6 was informed by Foreign Vice-Minister NISHI that
7 Minister TOGO was considering the purging of radical
8 elements in the Foreign Ministry in order to execute
9 his policies. Soon afterward Vice-Minister NISHI at
10 the direction of the Foreign Minister requested the
11 resignation of one of the ambassadors who had been
12 closely identified with the Southern policy of Japan,
13 and as a result his resignation was given, effective
14 on 25 October. Subsequently, Mr. NISHI at the request
15 of the Foreign Minister informed two section chiefs
16 and one junior secretary, who were deemed to be ex-
17 tremely radical and who had violated the discipline
18 proper to government officials, that the Ministry
19 was to order them into temporary retirement. These
20 three officials tendered their resignations to me,
21 saying that they would rather resign than be ordered
22 to temporary retirement. When I reported the matter
23 to the Vice-Minister, I was instructed to accept
24 the resignations if they preferred it so, and their
25 resignations at their request were accepted on 29

1 October. The resignations of these four officials
2 are recorded in the official gazette.

3 "4. There had been some officials in the
4 Foreign Ministry who were not satisfied with the
5 moderate foreign policy of the government and were
6 urging a strong external policy especially toward
7 Britain and America. These officials not only open-
8 ly criticized the policy of the Foreign Minister of
9 the time, but went so far as to violate official dis-
10 cipline by asking cooperation of the radical elements
11 of the Army and Navy in order to obtain their object-
12 ives. The purge carried out by Foreign Minister TOGO
13 was the first in the true sense of the word ever con-
14 ducted in the Foreign Ministry, with the design of
15 putting an end to such conditions. Only a few were
16 actually purged, but the effect on the discipline
17 of the Ministry was remarkable."

18
19 TOMIYOSHI, Fiji, the next witness, will
20 testify by defense document No. 2754.
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1 E I J I T O M I Y O S H I , called as a witness
2 on behalf of the defense, being first duly
3 sworn, testified through Japanese interpreters
4 as follows:

5 DIRECT EXAMINATION

6 BY MR. BLAKENEY:

7 Q Mr. TOMIYOSHI, please state your name, resi-
8 dence, and occupation.

9 A My name is TOMIYOSHI, Fiji, and my address
10 No. 55, 1-chome, Minami Sakuma-cho, Minato-ku,
11 Tokyo. My present occupation is that of member of
12 the House of Representatives and parliamentary vice-
13 minister of the Ministry of Commerce and Industry.

14 MR. BLAKENEY: Let the witness be shown
15 defense document No. 2754.

16 ("hereupon, a document was handed
17 to the witness.)

18 Q I ask you to examine that and state whether
19 it is your affidavit, executed and sworn to by you.

20 A This is my affidavit.

21 Q Are the contents thereof true and correct?

22 A Yes.

23 MR. BLAKENEY: I offer in evidence the
24 affidavit, defense document No. 2754.

25 THE PRESIDENT: Admitted on the usual terms.

TOMIYOSHI

DIRECT

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1 CLERK OF THE COURT: Defense document 2754
2 will receive exhibit No. 3627.

3 ("hereupon, the document above
4 referred to was marked defense exhibit 3627
5 and received in evidence.)

6 MR. BLAKENEY: I read the exhibit.

7 "1. I am a member of the House of Representa-
8 tives, belonging to the Japan Socialist Party. I
9 have often had occasion to talk with Mr. TOGO Shigenori,
10 for he is a senior of mine from the same province,
11 whom I respect as a diplomat of character.

12 "2. Around the middle of December 1940 (I
13 do not recall the exact date), on the occasion of
14 Mr. TOGO's returning to Kagoshima to visit the tomb
15 of his family (after his return home leaving the post
16 of Ambassador to the Soviet Union), I called on
17 him with Mr. SEMARI Fumio, a newspaperman of Kagoshima,
18 at the house of Mr. TOGO Shigehiro (younger brother
19 of Mr. Shigenori) in Nishida-machi, Kagoshima City,
20 and talked with him on various matters. I am a
21 socialist myself, and as I was opposed to the Japan-
22 Germany-Italy Tripartite Alliance I asked Mr. TOGO
23 for his opinion about the matter. In response, he
24 hinted his opposition to the Alliance, saying, 'It
25 is not desirable to conclude an alliance in accord-

TOMIYOSHI

DIRECT

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1 ance with the preferences of an individual without
2 cautiously considering the true interest of the
3 country.' I refrained from pursuing the point
4 further in view of his position, but he said, 'I
5 am opposed to the way MATSUOKA runs things.'

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TOMIYOSHI

DIRECT

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"I asked, 'What is the reaction of the Soviet Union to your transfer?' He said, 'Foreign Minister Molotov and other high officials regretted my transfer, and wondered what was the real intention of Foreign Minister MATSUOKA. There was a grand farewell party before I left the Soviet Union, and Foreign Minister Molotov even stood up twice to toast me.'

"3. Toward the end of October 1941 (I do not recall the exact date), very soon after Mr. TOGO became Foreign Minister, I called on him at the Foreign Ministry. After making congratulatory remarks, I asked him, 'You being a peace lover, how can you realize your diplomatic policy by entering the TOJO Cabinet of the military clique?' Foreign Minister TOGO replied, 'I entered the Cabinet as TOJO had undertaken that he would endeavor to solve the situation through negotiations. I will do all I can for the success of the negotiations, so that war can be averted.'

"4. In the middle of November 1941 I again called on Foreign Minister TOGO at the Foreign Ministry, and asked him, 'Is not the dispatch of Ambassador KURUSU a trick?' Mr. TOGO replied to my question sharply, saying, 'Not at all. I sent him for the sole purpose of solving the situation through negotiations, and it is entirely wrong to say that it is a trick.'

1 "5. Some time in October 1942 (I do not recall
2 the exact date), when Mr. TOGO returned to Kagoshima
3 after having resigned from the Foreign Ministership, I
4 called on him at his brother's house in Hishida-machi
5 and asked him about the reason of his resignation. He
6 replied, 'The reason I was opposed to the establishment
7 of the Greater East Asia Ministry was not, as people
8 generally said, that the scope or power of the Foreign
9 Ministry is diminished, but that it is contradictory to
10 the idea of treating the East Asiatic countries as fully
11 independent states. I resigned because the military
12 interfere with diplomacy on every matter, forcing their
13 self-willed way through.'"

14 You may cross-examine.

15 THE PRESIDENT: Mr. Chief of Counsel.

16 CROSS-EXAMINATION

17 BY MR. KEENAN:

18 Q Why did you refer to the "TOJO Cabinet of the
19 military clique"? Why did you use that expression?

20 A Well, I used the term "military clique" which
21 was more or less in vogue at the time because the TOJO
22 Cabinet was constituted largely of military men and be-
23 cause I believed that it was organized for some military
24 action. I had no profound meaning when I used the word.

25 Q What was your position at that time? Were you

1 a member of the House of Representatives then?

2 A Yes, I was.

3 C And was that the common understanding, as you
4 observed, that the TOJO Cabinet was committed to military
5 action?

6 MR. BLAKENEY: I object to questions designed
7 to produce a common understanding as irrelevant and
8 immaterial to any issues here.

9 MR. KEENAN: Mr. President --

10 THE PRESIDENT: He is merely asked to say what
11 he meant and what he based it on.

12 MR. KEENAN: And furthermore, Mr. President,
13 I would take it that it is a fair inference to draw
14 that Mr. TOGO was as well informed as to the intention
15 of the TOJO Cabinet as this particular witness.

16 May the question be presented to the witness --
17 reread?

18 THE MONITOR: Japanese court reporter.

19 (Whereupon, the Japanese court re-
20 porter read.)

21 A Well, that is not my meaning at all. The
22 general understanding with respect to the term I used
23 was that it was largely constituted -- the cabinet was
24 largely constituted by military men. It did not neces-
25 sarily mean that it was devoted or it was organized for

1 military action, because military actions take place
2 in accordance with or dependent upon the course of
3 diplomacy and international conditions, and it was not
4 my interpretation that this particular cabinet was
established for the purpose of military action.

5 Q Who were the military men in the cabinet, other
6 than General TOJO and Admiral SHIMADA, and SUZUKI hold-
7 ing a cabinet post without portfolio?

8 A Well, I have no exact recollection at the pre-
9 sent moment, but I am quite certain that there were a
10 few others.

11 Q You mean holding cabinet posts?

12 A Well, that is my recollection.

13 Q Isn't it quite true, I suggest to you, that
14 there were military men -- a military man, TOJO, at the
15 head of the Army Ministry and an admiral of the navy at
16 the head of the Naval Ministry, and there had been such
17 positions held by members of the army and navy since
18 1936?

19 Just a minute. And as one of the defense coun-
20 sel suggests, there was nothing unusual about that at
21 all.

22 A We at that time believed that the Minister of
23 Welfare was for a certainty a military man.

24 Q Who was the Minister of Welfare?

A My recollection is that it was Lieutenant
1 General KOIZUMI.

2 Q Is it not a fact, I suggest, that what you meant
3 was that you were surprised at TOGO, who professed peace-
4 ful intentions, joining a cabinet of that nature, that
5 was well-known to be advocates of strong military action
6 against any nation that would oppose the plans and design
7 of Japan?

8 A Well, that is -- the view which I have refer-
9 ence to was based entirely on what I might call the view
10 of common sense, and it was general knowledge at the
11 time that a cabinet of this kind was called a cabinet
12 of the military clique.

13 THE MONITOR: Japanese court reporter.

14 (Whereupon, the Japanese court
15 reporter read.)

16 THE MONITOR: That is what I meant by using
17 this phrase, but now Mr. TOGO -- but because I had al-
18 ways believed that Mr. TOGO was consistently an advocate
19 of peace, I posed the question to him which I have men-
20 tioned in my affidavit.

21 Q Did Mr. TOGO contravert your statement that the
22 TOJO Cabinet was one of a military clique?

23 A No, I have no such recollection, but as I have
24 stated in my affidavit, Mr. TOGO told me that he had

1 decided to enter the cabinet because General TOJO had
2 assured him that every effort would be made to bring
3 about a successful consummation of the negotiations.

4 Q But he didn't deny that TOJO's Cabinet was
5 one of a military clique, did he?

6 A No, I have no special recollection whether he
7 affirmed or denied that fact.

8 Q In paragraph 4, English version (translation)
9 of your affidavit, you state, "In the middle of November
10 1941 I again called on Foreign Minister TOGO at the
11 Foreign Ministry and asked him, 'Is not the dispatch
12 of Ambassador KURUSU a trick,?"

13 A What kind of a trick were you referring to in
14 that question?

15 A What I meant by this word was to put on pre-
16 tenses that Japan was -- while not desiring peace, was
17 actually desiring peace.

18 Q Correction: By that term I meant putting on
19 pretenses of feigning peace when not desiring peace.
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Q Why did you ask that question?

A While I had always personally had some misgivings as to the character of the TOJO Cabinet and, as one of the Japanese people and as a member of the House of Representatives, I was apprehensive as to the future of Japanese-American relations, and it had always been my hope and prayer that the deadlock in the negotiations between Japan and the United States be broken and that a successful consummation be realized of the negotiations as soon as possible. Because of these feelings of mine and these desires of mine I, without hesitation, asked Mr. TOGO whether there was not anything subversive behind the dispatch of the ambassador.

Q You never for a moment, I assume, supposed that two honorable gentlemen of the character of TOGO and KURUSU would stoop to the commission of a dirty diplomatic trick, did you?

A I trusted them, of course, but at that time the political situation generally was very unclear and diplomacy was not necessarily progressing in the direction which the people desired and expected. Because of the existence of such a doubt in my mind I asked the question.

Q The people of Japan, are you suggesting that

1 they really wanted peace with the United States of
2 America, Great Britain and the Netherlands?

3 A Yes.

4 Q I don't quite gather your idea about why the
5 sending of Mr. KURUSU, the senior diplomat of Japan,
6 to the United States could be considered as a trick.
7 Will you be a little more precise in your description
8 of your ideas on that point?

9 A Well, actually it occurred to my mind, when
10 I speak of the word trick, whether or not hostilities
11 were going to be commenced while placing the other
12 party off guard.

13 MR. KEENAN: That is all.

14 THE PRESIDENT: Mr. Logan.

15 CROSS-EXAMINATION (Continued)

16 BY MR. LOGAN:

17 Q Mr. Witness, I don't know how you left this
18 answer. One time I believe you said the cabinet of
19 TOJO was organized for military action and in another
20 part of your answer you said it was not. Now what is
21 your position today?

22 MR. KEENAN: Just a moment.

23 THE PRESIDENT: Mr. Chief of Counsel.

24 MR. KEENAN: I had not heard Mr. Logan state
25 whether he was seeking cross-examination. If he does,

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I wish to have him state if he believes it to be
1 that this affidavit is prejudicial, or some part of
2 it, to his accused KIDO.
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1 THE PRESIDENT: We always desire counsel to
2 state for whom they intend to ask questions and
3 whether the questions will be by way of cross-examina-
4 tion or otherwise.

5 MR. LOGAN: I am sorry I failed to announce
6 that. I overlooked it. I am appearing on behalf of
7 KIDO, Koichi for cross-examination of this witness
8 based on the cross-examination conducted by the
9 Chief Prosecutor.

10 THE PRESIDENT: Is it because KIDO had some
11 responsibility or is alleged to have had some for
12 TOJO's appointment as Prime Minister?

13 MR. LOGAN: That's right, your Honor.

14 THE PRESIDENT: Yes. Well, you may cross-
15 examine.

16 MR. LOGAN: I will repeat the question. It
17 was asked so long ago, I think it would be quicker this
18 way.

19 BY MR. LOGAN (Continued):

20 Q Do I understand your testimony to be, Mr.
21 Witness, that there was an opinion prevalent that the
22 TOJO Cabinet was organized for military action, or
23 did you say that that was your opinion?

24 A I said so because I believe that way.

25 Q Now, when did you form that opinion?

1 A Well, this is an old opinion of mine. For
2 instance, I have always -- I, myself, have always
3 been opposed and despised the idea of an active army
4 officer becoming Prime Minister.

5 Q I am not interested, Mr. Witness, in you
6 trying to excuse yourself. I am asking you a date.
7 When did you form that opinion?

8 A I think from about the time of the conclusion
9 of the Tripartite Alliance.

10 Q At the time of the conclusion of the Tri-
11 partite Alliance you thought that the TOJO Cabinet was
12 formed and organized for military action?

13 A Of course not. The Tripartite military
14 Alliance was concluded before the organization of the
15 TOJO Cabinet.

16 Q Mr. Witness, I am asking you a very simple
17 question. I want a date. When did you form the
18 opinion that the TOJO Cabinet was organized for mili-
19 tary action?

20 A Well, I have no recollection as to the exact
21 date -- what day of what month.

22 Q Well, was it 1945 or 1941?

23 A Well, no, that was 1941.

24 Q Now, what month was it in 1941?

25 A Well, that is the way I thought about the

time the TOJO Cabinet was formed.

1 Q Was it the very day it was formed or several
2 days thereafter?

3 A I can't say that definitely.

4 THE PRESIDENT: We will recess for fifteen
5 minutes.

6 (Whereupon, at 1045, a recess
7 was taken until 1100, after which the
8 proceedings were resumed as follows:)

M 10 MARSHAL OF THE COURT: The International
9 Military Tribunal for the Far East is now resumed.

11 & 12 THE PRESIDENT: Mr. Logan.

13 BY MR. LOGAN (Continued):

14 W 14 Q Now, Mr. Witness, at the time you formed this
15 opinion that the TOJO Cabinet was organized for military
16 action did you know of the message which had been given
17 by His Majesty the Emperor to War Minister TOJO and Navy
18 Minister OIKAWA on the 17th of October 1941?

19 A No, I did not.

20 20 Q So you didn't know that the Emperor told both
21 of these men that they should see to it that cooperation
22 between the Army and the Navy be made closer than ever
23 and he meant by that, as has been interpreted, that neither
24 one was told to do the bidding of the other. You didn't
25 know that either, did you?

1 A We did not know anything of that kind.
2

3 THE INTERPRETER: Correction: I did not know
4
5 that.

6 Q And did you know when you formed your opinion
7 that Marquis KIDO on behalf of the Emperor delivered
8 a message to both these men, War Minister TOJO and Navy
9 Minister OIKAWA, on the 17th of October that they should
10 disregard the resolution of the September 6 Imperial
11 Conference?

12 A No, I did not know.

13 Q And I suggest to you, Mr. Witness, you didn't
14 even know what the September 6 Conference was about, do
15 you?

16 A No, I did not know.

17 Q So you formed your opinion without knowing all
18 the facts, isn't that true?

19 A Well, you might say that. I can't help it.

20 Q Now, did you know that after October 17 efforts
21 were made by this very cabinet to bring about diplomatic
22 settlement of the troubles between the United States
23 and Japan?

24 A That I do know, and I was very much encouraged
25 and relieved when I heard from Mr. TOGO when I met him
that every effort was being made to bring about a
successful outcome of the negotiations.

1 Q And did that make you change your opinion as
2 to whether or not the TOJO Cabinet was organized for
3 military action?

4 A Well, I didn't trust it completely, but I was
5 relieved somewhat.

6 Q You mean you didn't believe what Mr. TOGO told
7 you?

8 A Well, I did trust him but I did not necessarily
9 believe that everything would progress as Mr. TOGO him-
10 self desired.

11 Q Well, did you believe that they were making
12 efforts to settle these matters diplomatically?

13 A Yes, I believed that fully.

14 Q I notice you are a member of the Socialist
15 Party, is that right?

16 A Yes.

17 Q You have never been purged, have you?

18 A No.

19 THE PRESIDENT: Major Blakeney.

20
21 REDIRECT EXAMINATION

22
23 BY MR. BLAKENEY:

24 Q Mr. Witness, prior to the formation of the
25 TOJO Cabinet do you know how long it had been since an
active army officer was Premier of Japan?

1 A Well, I do not know very well, but in my
2 recollection sometime in the Taisho Era General
3 TERAUCHI as an active army officer formed a cabinet.

4 Q The Taisho Era is from 1911 to 1926, isn't it?
5 1912 I should have said.

6 A Well, I was young then and because I was not
7 much interested as yet in politics I do not recall well.

8 Q You know, do you not, that there had been no
9 active army officer as Premier since Count TERAUCHI?

10 A Yes.

11 THE INTERPRETER: The witness replied "As you
12 say."

13 Q Concerning the composition of the TOJO Cabinet
14 are you aware of the fact that, as shown by the evidence
15 introduced in this case, there were in addition to the
16 military men in the cabinet whom you have mentioned also
17 Minister of Communications Admiral TERAJIMA?

18 A Yes, I do.

19 Q You remember that, don't you?

20 A Yes, I remember.

21 Q And you remember that, as also has been shown
22 by the evidence here, there was among the Ministers
23 without Portfolio also a Lieutenant General ANDO who
24 later became Home Minister?

25 A Yes, I recall that.

1 Q At the time of the formation of the TOJO Cabinet
2 did you hold any position in the government?

3 A No, none whatsoever.

4 Q Have you ever held a position in the govern-
5 ment prior to becoming -- have you ever held a position
6 in the government?

7 A Up to the present, no. I have taken a position
8 in the government only after the formation of the present
9 cabinet.

10 Q As a member of the Diet but not a member of
11 the government at the time of the formation of the TOJO
12 Cabinet was any information available to you concerning
13 the progress of negotiations with America and other
14 diplomatic matters?

15 A Hardly no information was received except what
16 could be gathered in the newspapers.

17 Q As a matter of fact, your party, the Japan
18 Socialist Party, has always been in opposition until
19 the formation of the present cabinet, has it not?

20 A Yes, you are right.

21 MR. BLAKENEY: That is all. I ask that the
22 witness be excused on the usual terms.

23 THE PRESIDENT: He is excused on the usual terms.

24 (Whereupon, the witness was excused.)

1 MR. BLAKENEY: I now offer in evidence defense
2 document No. 1029 (revised) being the affidavit of
3 TANAKA Ryukichi whose attendance for cross-examination,
4 I understand, is not required.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Defense document 1029
7 (revised) will receive exhibit No. 3628.

8 (Whereupon, the document above re-
9 ferred to was marked defense exhibit No.
10 3628 and received in evidence.)

11 MR. BLAKENEY: I read the exhibit, omitting
12 the formal parts:

13 "1. I came to know Mr. TOGO Shigenori in
14 February 1936 when I was a staff officer in the Kwantung
15 Army. Since then I have frequently had opportunities
16 to talk with him.

17 "2. In July 1935, when I was a staff officer
18 of the Kwantung Army, the Soviet Government informed the
19 Japanese Government that it had no objection to the
20 opening of negotiation for the establishment of a com-
21 mission for the settlement of disputes on the Soviet-
22 Manchukuo boundary, but later the progress of the negoti-
23 ations encountered difficulties on account of the attitude
24 of the Kwantung Army, which insisted that the demarkation
25 of the Soviet-Manchukuo boundary should first be

1 accomplished before the establishment of such commission,
2 as otherwise the commission would not be able to carry
3 out its task smoothly. Mr. TOGO, then director of the
4 European-Asiatic Bureau, dispatched his section chief
5 NISHI to Hsingking in September 1935 in order to per-
6 suade the Kwantung Army, but this ended in no agreement
7 of opinions. At my conversation with Mr. TOGO which took
8 place in Tokyo in February 1936, he referred to this
9 question and said that while the above contention of the
10 Kwantung Army was not unreasonable, it was too much to
11 say that the commission could not function without
12 border demarkation, and he earnestly requested the co-
13 operation of the Kwantung Army for the success of the
14 negotiation, by further stressing that the establishment
15 of such commission would rather accelerate the realiza-
16 tion of border demarkation. Thereupon I suggested the
17 idea of establishing simultaneously a commission for the
18 settlement of border disputes and a commission for border
19 demarkation, so that the two commissions could set to
20 work in parallel, to which Mr. TOGO agreed. I also had
21 a talk with Vice-Minister SHIGEMITSU on this subject
22 and got his consent. On my return to Hsingking I re-
23 ported the matter to General ITAGAKI, Vice-Chief of
24 Staff, and next to General MINAMI, Commander of the
25 Kwantung Army, who both approved of this plan. As a

1 result the Japanese Government began to conduct negoti-
2 ations with the Soviet Government on this principle.

3 "3. Mr. TOGO became Foreign Minister in the
4 TOJO Cabinet in October 1941, when I was Director of
5 the Soldiers' Affairs Bureau of the War Ministry.
6 When I saw him in the latter part of October at his
7 official residence immediately after his appointment
8 as Foreign Minister, he told me that he had agreed to
9 enter the Cabinet on condition that General TOJO would
10 also do his best to bring the Japanese-American negoti-
11 ations to successful conclusion.
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"4. At the time of the formation of the
1 TOJO Cabinet, it was generally felt in the War Ministry
2 and the General Staff Office that all the civilian
3 members of the cabinet were actually under the con-
4 trol of the military. Mr. TOGO's opinion naturally
5 provoked great disaffection within the military cir-
6 cles when it was revealed that he had declared, at the
7 Liaison Conference held in the first part of November
8 to consider whether hostilities should be opened in
9 case the negotiations ended in failure, that failure
10 of the negotiations would not necessarily mean war,
11 and that the most proper way for Japan to take was
12 to persevere under all difficulties and wait for the
13 opportunity to mature. At that time it was not a rare
14 case that such a state secret was divulged through
15 the General Staff Office to younger officers. A party
16 of radicals in the army thereupon even maintained
17 that it was an encroachment upon the prerogative of
18 the High Command for a foreign minister to utter such
19 an opinion, and declared threateningly that such a
20 foreign minister should be 'disposed of'. I recall
21 that I requested Commander NAKAMURA of the Gendarmerie
22 to protect the person of Mr. TOGO.
23

"5. Toward the end of November 1941, I had
24
25 a talk with Mr. TOGO at his official residence. On

that occasion the Foreign Minister intimated his intention to resign on the ground that he was strongly against war with the United States. I earnestly requested him to retain his office, pointing out that it would be quite impossible to find another person who would resolutely do his utmost to check the outbreak of war in opposition to the army; that if such a person as Mr. MATSUOKA should be recalled to replace him, it would naturally become more difficult to prevent war; and that, should war unfortunately break out, his remaining in office would become all the more necessary in consideration of the national strength of Japan, so that he might be able to seize the earliest possible opportunity to conclude peace."

I am told that I read the first line of that paragraph wrong. It is, of course, October 1941.

"6. Toward the end of August 1942 Mr. TOGO sent me his private secretary, Mr. USUI Tanemasa, to convey his opinion, which was, according to Mr. USUI, that the further existence of the TOJO Cabinet was against the interest of Japan, as it had gradually begun to commit mistakes in the direction of the war. There was, furthermore, the question of the Greater East Asia Ministry, to the establishment of which he was firmly opposed on the ground that it would violate

1 the fundamental principles of Japanese diplomacy. And
2 he revealed to me, through Mr. USUI, his resolution
3 not to resign alone, but to make persistent efforts
4 to the last eventually to bring the cabinet to general
5 resignation. I expressed my consent, encouraging him
6 to stand out stoutly for the sake of the country, and
7 promised him that I would also resign together with
8 him in case his efforts should end in failure. By the
9 way, it was because Mr. TOGO was, then, already under
10 the surveillance of the Mikuni Organ, the secret police
11 of the army, that he did not see me in person.

12 "Nevertheless, Mr. TOGO resigned alone. I
13 asked him the reason when I saw him in the middle of
14 September that year. His reply was that, although
15 he for his part had fought all he could, he had
16 eventually been compelled to make up his mind to re-
17 sign alone upon learning from Navy Minister SHIMADA,
18 who had come to see him, that the overthrowing of the
19 cabinet was practically impossible owing to dissension
20 in Court circles.

21 "7. In the middle of July 1945 I called on
22 Mr. TOGO at his private residence. He was then Foreign
23 Minister in the SUZUKI Cabinet. I asked him if the
24 restoration of peace was possible. He replied that
25 he was making efforts in that direction though the time

1 was very late. Then, I had again a chance to see him
2 in the middle of November 1945 when he explained in
3 detail the circumstances attending the termination of
4 the war, and revealed that anyway it was greatly to
5 his satisfaction that battles in Japan proper had
been avoided.

6 "8. On the occasion of my interview with
7 Mr. TOGO in the middle of July 1945, mentioned above,
8 he declared that he had had no means of knowing the
9 exact time and place of the commencement of hostilities
10 beforehand, the matter being an operational secret,
11 though he had often heard the Naval High Command right
12 before the outbreak of the war mentioning 'surprise
13 attack'. He also referred again to the fact that,
14 as he had told me in the middle of December 1941, de-
15 spite the Naval General Staff's having given the commit-
16 ment to open hostilities a considerable space of time
17 after the Japanese memorandum to the United States
18 should have been served at 1 p.m., 7 December, Wash-
19 ton time, the actual attack on Pearl Harbor was com-
20 menced very shortly after 1 p.m., Washington time; and
21 he told me that Vice Admiral ITO, Vice Chief of the
22 Naval General Staff, had expressed his sincere regret
23 in this connection when, a few days after the outbreak
24 of the war, the Foreign Minister had reproached him for

it."

I next offer in evidence defense document No. 2740, being the affidavit of the witness SATO Naotake, whose attendance for cross-examination I understand is not required.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Defense document 2740 will receive exhibit No. 3629.

(Whereupon, the document above referred to was marked defense exhibit No. 3629 and received in evidence.)

MR. BLAKENEY: I read exhibit No. 3629, omitting the formal parts.

"1. I entered the service of the Japanese Foreign Ministry in November 1905. In 1931, being then Ambassador to Belgium, I was on 9 December designated one of the Japanese delegates to the Geneva Conference on General Disarmament, serving as such until the spring of 1933. Thereafter I served as Ambassador to France, 1933-37; Foreign Minister, 1937; Diplomatic Adviser to the Foreign Ministry, September-October 1938, and again November 1941 to February 1942; and Ambassador to the U.S.S.R., February 1942 to August 1945. I am at present a member of the House of Councillors of the National Diet.

"2. The Secretary-General of the Japanese delegation to the Geneva Conference on General Disarmament of 1932 was Mr. TOGO Shigenori, at that time Councillor of the Japanese Embassy in Berlin. It so happened that the extraordinary session of the Assembly of the League of Nations to consider the Manchurian question was held in Geneva during part of the time that the Disarmament Conference met, and in consequence very many Japanese were in Geneva for both conferences. In order to promote the efficiency of our delegation's work, and to avoid its confusion with other matters, Mr. TOGO proposed to the delegates that the business of the delegation to the Disarmament Conference should be kept separate from and not mixed with that of the delegation to the Extraordinary Assembly, and that the personnel of the two delegations should as far as possible be of composition independent of each other. The consent of the chief delegate, Mr. MATSUDAIRA, and myself was given to this plan, and as a result Mr. TOGO worked exclusively on the business of the Disarmament Conference, without being involved in the question of the Manchuria Incident, although some of the personnel (including myself, as it happened) were connected with both.

"3. During the summer recess of the Disarmament

1 Conference, in August 1932, Mr. TOGO was ordered to
2 Japan temporarily to make report and receive instructions
3 concerning disarmament questions. Upon his return to
4 Europe in November he came to Geneva from Berlin and
5 made a report to the delegates on his mission to Tokyo.
6 But, having already received notice of his recall to
7 Japan, he stayed in Geneva only a short time after his
8 return.

9 "4. The chief Japanese delegate to the Extra-
10 ordinary Assembly of the League was MATSUOKA Yosuke.
11 The extraordinary session convened in October 1932,
12 and as I remember Mr. MATSUOKA arrived at Geneva some
13 time afterward. He and Mr. TOGO were in Geneva simul-
14 tanecously for only a week or a little more after Mr.
15 TOGO returned to Geneva as mentioned in section 3 above;
16 and then also they were of course engaged in entirely
17 different business. Mr. MATSUOKA had nothing to do
18 with the business of the delegation to the Disarmament
19 Conference; Mr. TOGO had nothing to do with the League
20 Assembly or the Japanese delegation thereto.

21 "5. At that time in Geneva rumors of Japan's
22 withdrawal from the League of Nations over the Manchuria
23 Affair were current, and the question was naturally,
24 although it had no connection with the business of the
25 Disarmament Conference, being discussed by all of us

as one of the burning issues of the hour. I recall
1 Mr. TOGO's saying at the time that Japan should remain
2 in the League and endeavor to maintain her friendly
3 relations with other nations. I had of course known
4 Mr. TOGO as one opposed to extreme measures and an
5 advocate of peace with foreign countries.

6 "6. One evening toward the end of October
7 1941, if I remember right, Foreign Minister TOGO invited
8 a number of us, seniors in the diplomatic service, to
9 dinner at his official residence for the first time
10 after he had assumed the office. By that time the
11 relations with the United States and Britain had already
12 deteriorated considerably; and so, after dinner, in the
13 presence of all my colleagues, I addressed the Foreign
14 Minister, saying that the Foreign Ministry should con-
15 tinue, with the utmost perseverance to the last, its
16 efforts for the success of the negotiations then in
17 progress between the Governments of Japan and the United
18 States. I pointed out the danger that the situation
19 might in the worst case develop into a war between
20 the two countries, and declared that, at that critical
21 moment, the people would never understand the situation
22 if, as had been the case with the China Affair, hos-
23 tilities should be opened without adequate diplomatic
24 efforts, and should drag on for years. I further
25

emphasized that, should a war break out between Japan
1 and the United States, it would indeed be a matter of
2 life and death for Japan, and demanded that every one
3 should rack his brains to make efforts to maintain
4 peace. I said that the people would never be persuaded
5 to the resolution to rise in arms unless they were
6 convinced that the war was really inevitable in spite
7 of all efforts on the part of the Japanese Government,
8 and expressed my earnest desire that the Foreign Min-
9 istry should leave nothing undone to bring the nego-
10 tiations to an amicable conclusion, in defiance of
11 all unfavorable criticisms, and never giving up hope
12 to the last. To this the Foreign Minister replied that
13 he was of the same opinion, and that he was actually
14 doing his utmost to carry out his task on that principle.
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"7. I was unexpectedly requested on the
1 following morning to call on the Foreign Minister. He
2 asked me at the interview if I would assist him as a
3 diplomatic adviser to the Foreign Ministry, saying
4 that he felt exactly the same way that I had expressed
5 myself the night before and that he felt that he was
6 too busy, being occupied with many important conferences
7 and interviews with the diplomatic corps, to think
8 things over himself. I accepted the offer in view of
9 the importance of the situation, and was formally
10 appointed Diplomatic Adviser on 11 November.

"8. When Mr. TOGO confided to me (I do not
12 remember the exact date, but it was at the end of
13 November 1941, after receipt of the Hull note of
14 26 November) that the Japanese Government had finally
15 been compelled to decide to terminate the negotiations,
16 I pleaded with him to try negotiations further, not-
17 withstanding all disappointments. Foreign Minister
18 TOGO told me that he had already done all that he could
19 and that there was nothing that he could do further
20 except to try to obtain reconsideration of the United
21 States, adding that he was willing to resign and to
22 be replaced, if any way could be suggested by any of
23 the senior diplomats to bring matters to a different
24 conclusion, because it was his greatest desire that

1 Japan should not enter upon a war. I replied that
2 all the senior diplomats reposed full confidence in
3 Mr. TOGO, and that he should not resign, for no one
4 could hope to do any better.

5 "9. As Diplomatic Adviser to the Foreign
6 Ministry in 1941-42 I was not in charge of any routine
7 business of the Ministry, but from time to time gave
8 advice to the Foreign Minister upon his request. In
9 January 1942, however, Foreign Minister TOGO re-
10 quested of me that, in view of the importance of the
11 problem of the treatment of prisoners of war and
12 internees of enemy nations in Japan, I should assist
13 with the business of the bureau in charge of the matter
14 by making contact with the diplomatic corps, and
15 especially those representing the interests of enemy
16 nations, concerning these matters. In conformity with
17 the request, I talked about the matter from time to
18 time with the representatives concerned, in order to
19 contribute to the satisfactory handling of the matter.
20 Shortly thereafter, however -- at the end of February --
21 I was appointed Ambassador to the U.S.S.R., before I
22 had had a chance to do much in that direction.

23 "10. In July 1942, while I was in Kuibyshev,
24 I received instructions from Foreign Minister TOGO to
25 pay as frequent visits as possible to Moscow and to

1 pave the way for Japan's using her good offices for
2 restoration of peace between Germany and the Soviet
3 Union. Japan's intention was, he said, to spare no
4 effort toward the termination of the Russo-German
5 war, with the final aim of bringing about the earliest
6 possible restoration of general peace. I considered
7 that, as battles were then being bitterly fought in
8 the Ukraine and the Caucasus, there was no prospect
9 of peace between Germany and the U.S.S.R. at that time,
10 and I so reported to the Foreign Minister. Mr. TOGO,
11 however, instructed me again, in the middle of August
12 of the same year, to visit Moscow as frequently as
13 possible, sending me the draft of the new fisheries
14 convention and suggesting that my calls on the Soviet
15 authorities in connection with it would provide
16 opportunities for bringing up the subject of peace.
17 While I was prevented from visiting Moscow, Mr. TOGO
18 resigned from the Foreign Ministership in September
19 1942, and his communications with me in the matter of
20 a general peace came to an end."

21 From exhibit 3610, being -- I am sorry,
22 that is the wrong exhibit number.

23 THE PRESIDENT: Is it 3609-A you want?

24 MR. BLAKENEY: Exhibit 3612 -- I am sorry --
25 being a supplementary personnel record of the

1 defendant TOGO. I shall read two items, those lettered
2 B and C on page 1, to fix the precise dates of
3 Mr. TOGO's stay in Geneva, as testified to by the wit-
4 ness SATO.

5 "(B) 1931 December 9 - Appointed to the
6 suite of the delegate plenipotentiary to the General
7 Conference on Disarmament in Geneva (the Conference
8 was opened on 2 February 1932, and was postponed
9 indefinitely at the meeting of the Council of the League
10 on 30 September 1938).

11 "(c) 1932 August 13 - Ordered home tempora-
12 rily. Left Berlin on 22 August, and arrived at Tokyo
13 on 22 October, and returned to his post in Berlin on
14 19 November of the same year."

15 And defense document 2780, a Foreign Ministry
16 certificate, is offered in evidence to show the date
17 of Mr. MATSUOKA's departure from Tokyo for Geneva,
18 October 21, 1932.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Defense document 2780
21 will receive exhibit No. 3630.

22 (Whereupon, the document above
23 referred to was marked defense exhibit
24 No. 3630 and received in evidence.)

25 MR. BLAKENEY: There is no necessity for

reading the document.

1 Defense document 2930 is an excerpt from
2 exhibit 687. This excerpt itself, which does not
3 appear in the English translation of the exhibit
4 provided, is included in the original exhibit and was
5 actually read in the Tribunal in Japanese at the time
6 of its reception in evidence. I should, therefore,
7 suppose that, rather than offering this document in
8 evidence separately, I might request that it be given
9 exhibit No. 687-A and be read -- or B, I should say;
10 687-B. I am sorry.

12 THE PRESIDENT: It is already in evidence,
13 you say, but in Japanese?

14 MR. BLAKENEY: Yes, sir.

15 THE PRESIDENT: I suppose it had better bear
16 the same exhibit number. Number it according to the
17 application.

18 CLERK OF THE COURT: Defense document
19 No. 2930 will receive exhibit No. 687-B.

20 (Whereupon, the document above
21 referred to was marked defense exhibit
22 No. 687-B and received in evidence.)

23 MR. BLAKENEY: I shall read the document,
24 which is an excerpt from the proceedings of the Privy
25 Council Investigation Committee investigating the

establishment of the Greater East Asia Ministry.

1 "Organization of the Greater East Asia Co-
2 Prosperity Sphere."

3 "Committee Member ISHII inquired into the
4 constitutional doubt that, in spite of diplomacy's being
5 within the prerogative of the Emperor with the Foreign
6 Minister bearing the responsibility for assistance to
7 the Throne, the present plan seems to assign to the
8 Greater East Asia Minister the responsibility for
9 assistance to the Throne in connection with diplomacy
10 except for the so-called 'pure diplomacy.' Director
11 MORIYAMA of the Legislation Bureau replied that all
12 state ministers bear the responsibility for assistance
13 to the Throne in connection with the prerogative of
14 diplomacy, but that the organ to execute policies in
15 connection with diplomacy is decided in accordance with
16 the government organization. He further made the point
17 clear that it is the designation of the minister who
18 shall have charge of the administrative execution, and
19 does not mean the limitation of the scope of responsi-
20 bility for assistance to the Throne, that the present
21 plan assigns the pure diplomacy of the Greater East
22 Asiatic area to the Foreign Minister, and places under
23 the superintendence of the Greater East Asia Minister
24 all diplomatic affairs exclusive of those which fall
25

within the category of pure diplomacy.

"Committee Member MINAMI (Hiroshi) inquired for the reasons of Foreign Minister TOGO's resignation, concerning which the nation entertained doubts. Premier TOJO replied that it was for personal reasons that he had resigned, but that he believed that it was not proper to give detailed explanation of them."

THE MONITOR: Mr. Blakeney, the Japanese copy was not read while you were reading the English; is that all right with you?

MR. BLAKENEY: It is no matter; it has already been read in court. It was read in court on the fifth of December, 1946. It will be found in the Japanese record of that date.

I now offer in evidence defense document 2936, it being the affidavit of SHIMAZU, Hisanaga, whose attendance for cross-examination, I understand, will be dispensed with.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Defense document 2936 will receive exhibit No. 3631.

(Whereupon, the document above referred to was marked defense exhibit No. 3631 and received in evidence.)

MR. BLAKENEY: I read exhibit 3631:

1 "1. I entered the Foreign Ministry in 1930,
2 and served as private secretary to the Foreign Minister
3 while Mr. TOGO, Shigenori, was Foreign Minister for
4 the first time (18 October 1941 - 1 September 1942).
5 I am now Director of the Reparations Section of the
6 Central Liaison Office.

7 "2. My duty as private secretary was, not
8 to participate in the transaction of diplomatic
9 affairs, which was the Foreign Minister's business,
10 but to arrange documents to be inspected by the Foreign
11 Minister, to arrange for the Foreign Minister inter-
12 views with members of the Foreign Ministry staff as
13 well as with visitors, and to accompany the Foreign
14 Minister when he attended various meetings. (Inter-
15 views with members of the diplomatic corps were mostly
16 dealt with by another private secretary.)

17 "3. On about 6 December 1941 the cabinet
18 requested the Foreign Minister to attend the Central
19 Cooperation Conference of the Taisei Yokusankai
20 (Imperial Rule Assistance Association), to be held
21 on the morning of 8 December, and to deliver an address
22 there. The Foreign Minister ordered me to prepare two
23 different drafts of his address: the one to be used
24 in case war should have opened by that day; the other
25 in case hostilities should not have commenced. The

1 address, in the end, was given up.

2 "4. Shortly after midnight on 8 December
3 1941 American Ambassador Grew called on the Foreign
4 Minister, and delivered a copy of a message from
5 President Roosevelt to the Emperor. After their con-
6 versation, Foreign Minister TOGO ordered Section Chief
7 KASE to prepare a translation of the message. When
8 the translation was brought from the Foreign Ministry,
9 the Foreign Minister went to the Premier's official
10 residence, accompanied by me, arriving there about
11 2 o'clock. I waited while the Foreign Minister had
12 an interview with the Premier; then we returned to
13 the Foreign Minister's residence, where he changed
14 clothing, and left at about 2:30 to go to the Imperial
15 Palace."

16 As the next witness, I call YAMAMOTO,
17 Kumaichi, whose testimony is defense document 2945.
18 He has testified here on earlier occasions.
19

20 - - -
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1 KUMAICHI YAMAMOTO, recalled as a
2 witness on behalf of the defense, having been
3 previously sworn, testified through Japanese
4 interpreters as follows:

5 THE PRESIDENT: You are still on your former
6 oath.

7 DIRECT EXAMINATION

8 BY MR. BLAKENEY:

9 Q Please state your name, Mr. Witness.

10 A YAMAMOTO, Kumichi.

11 Q You have heretofore testified in this case,
12 have you not?

13 A Yes, I have.

14 MR. BLAKENEY: Please let him be shown
15 defense document No. 2945.

16 (Whereupon, a document was handed
17 to the witness.)

18 Q Please examine that, Mr. Witness, and state
19 whether it is your affidavit, executed and sworn to
20 by you?

21 A This is my affidavit, to which I have af-
22 fixed my signature and seal.

23 Q Are the contents thereof true and correct?

24 A The contents are true and correct.

25 MR. BLAKENEY: I offer it in evidence.

YAMAMOTO

DIRECT

35,562

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Defense document 2945
3 will receive exhibit No. 3632.

4 (Whereupon, the document above
5 referred to was marked defense exhibit
6 No. 3632 and received in evidence.)

7 MR. BLAKENEY: I read exhibit 3632, omitting
8 the formal parts:

9 "1. I was director of or charged with the
10 affairs of the East Asiatic Bureau of the Foreign
11 Ministry from September 1940 to November 1942, during
12 which time I was concurrently director of or charged
13 with the affairs of the American Bureau from October
14 1941 to November 1942.

15 "2. Chapter 26 of the Affidavit of OKA,
16 Takazumi (exhibit No. 3473) states as follows in the
17 beginning:

18 "'Japan's final reply to the United States'
19 note was drafted by the Foreign Office and was de-
20 livered to me by Mr. YAMAMOTO of the Foreign Office.
21 As was customary, I ordered my subordinates to study
22 the draft. As a result thereof I sensed that it was
23 inadequate as a final note, and felt that it would be
24 appropriate to insert the wording that we reserve the
25 right to freedom of action. Accordingly, this wording

YAMAMOTO

DIRECT

35,563

1 was inserted in the draft and related to Mr. YAMA-
2 MOTO. However, when the draft of the final note was
3 distributed by the Foreign Office at the liaison
4 conference in early December (I do not remember the
5 date) I discovered that the suggested revision was
6 not made. After the conference I asked Mr. YAMAMOTO
7 whether that could be regarded as the final note, to
8 which he replied in the affirmative, and we parted.¹

9 "3. The draft of the final memorandum to
10 the United States which I sent to Director OKA of
11 the Naval Affairs Bureau of the Navy Ministry was,
12 as I have testified already in this court, prepared
13 in accordance with what had been discussed at the
14 Liaison Conference (exhibit No. 2915), but I did not
15 thereafter receive from Director OKA any draft with
16 the addition that freedom of action be reserved, nor
17 had I any discussion with him on such a question. I
18 distributed the draft of the memorandum at the Liaison
19 Conference of 4 December, but I do not recall having,
20 at the adjournment of the Conference, been asked by
21 Director OKA whether the memorandum was an ultimatum
22 nor having made any reply to him."²

23 You may cross-examine.

24 THE PRESIDENT: Mr. Brannon.

25 MR. BRANNON: Cross-examination on behalf of

the accused OKA.

CROSS-EXAMINATION

2 BY MR. BRANNON:

Q Mr. YAMAMOTO, you state that you did not receive from Director OKA any draft with the addition that freedom of action be reserved, "nor," and I quote you, "had I any discussion with him on such a question."

Granting that that is your recollection now,
are you prepared to tell this Tribunal that Admiral OKA
positively made no such recommendation to you?

A Director OKA never made such a recommendation to me.

3 Q Well, you had many, many conversations with
4 Admiral OKA, did you not?

5 A Yes, I have at many times discussed various
6 matters with Admiral OKA.

7 Q And you did discuss the wording of the note
8 with him, did you not?

9 A With regard to the wording of the note, we
10 have had talks a number of times.

21 Q Do you remember everything he said to you
22 about the note?

A No, I do not recall everything.

Q Now, the last time you took the witness:

stand in this courtroom I asked you if you recalled being

1 interrogated by me in my office on March 11, 1947.
2 Do you still recall that?

3 A Yes, I do recall.

4 Q And I reminded you then that I had an
5 interpreter present and a reporter taking down what
6 you said, did I not?

7 A Yes, you said so.

8 Q Do you recall me asking this question, and
9 it is in regard to the addition of these words:

10 "Q Did Admiral OKA talk to you about that?"
11 Did you answer?

12 "A In those days the officials of the army and
13 navy ministries came to my office and discussed the
14 wording and many other matters, so I don't recollect
15 clearly whether Admiral OKA came to my office and dis-
16 cussed this particular wording or not. But OKA came
17 to my office many times to discuss the wording of the
18 draft. I don't know, in these discussions, whether this
19 particular instance actually happened or not, but I
20 want to say that the final draft of this notice was
21 decided at the Liaison Conference?"

22 Did I ask you that question and did I get that
23 answer from you?

24 A Yes, as you say.

25 Q Well, now, Mr. YAMAMOTO, if you didn't

25 past one.

(Whereupon, at 1200, a recess ...)

1 remember on March 11, 1947 whether Admiral OKA had
2 said that to you, how do you remember now that he
3 absolutely did not?

4 A In March when I had this talk with you it
5 was an informal talk based upon my recollections, and
6 I told you that I would tell you what I do recall
7 definitely, and what I do not recall -- slight correc-
8 tion to the latter part -- and I told you that what I
9 do not recall well I will tell you that I do not recall
10 well. Later, on various occasions I gave concrete
11 consideration to the various questions which were
12 brought up. Now, with regard to what you just men-
13 tioned in connection with Admiral OKA's making a
14 recommendation of this particular phrase, I would like
15 to say that the draft of a reply to the United States
16 was drawn up in accordance with the decisions reached
17 by the Liaison Conference, and that being the case
18 there should be -- there could have been no case for
19 any private conversation such as just suggested by you,
20 and that is why I come to the conclusion that no such
21 recommendation was ever made to me; and that is why I
22 have set forth this point clearly in my affidavit.

23 THE PRESIDENT: We will adjourn until half-
24 past one.

25 (Whereupon, at 1200, a recess was taken.)

AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International

Military Tribunal for the Far East is now resumed.

KUMAICHI YAMAMOTO, recalled as a witness on behalf of the defense, resumed the stand:

MR. BRANNON: That concludes the cross-examination of the witness.

THE PRESIDENT: Major Blakeney.

MR. BLAKENEY: There is no re-examination.

May the witness be excused on the usual terms?

THE PRESIDENT: He is excused accordingly.

(Whereupon the witness was excused.)

MR. BLAKENEY: I next offer in evidence the affidavit of TANABE, Moritake, defense document No. 2837.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Defense document 2837
will receive exhibit No. 3633.

(Whereupon, the document above referred to was marked defense exhibit No. 3633

and received in evidence.)

1 MR. BRANNON: If the Tribunal please.

2 THE PRESIDENT: Mr. Brannon.

3 MR. BRANNON: We object to the offering of this
4 affidavit because we have learned that the witness is
5 not in Japan.

6 THE PRESIDENT: I admitted it after a pause.
7 I wish you would come forward to the lectern promptly.
8 However, we will hear your objection.

9 MR. BRANNON: On behalf of the accused SHIMADA,
10 we desire very much the right of cross-examination of
11 this witness. However, I understand that he is at a
12 very distant place; the exact location I do not know.

13 If we are permitted the right to take a
14 counteraffidavit, we will waive our objection and consent
15 to the reading of this here at this time. Of course,
16 we have the time element to consider there, Mr. President.

17 THE PRESIDENT: We ought to hear the affidavit
18 read and you can apply later to have the witness called
19 for cross-examination, if necessary; or to have the
20 evidence disregarded if he is not called; or the
21 alternative to be permitted to take a counteraffidavit.
22 Let us hear the affidavit first. We will be in a better
23 position to judge what to do.

24 MR. BLAKENEY: I proceed to read exhibit 3633,

1 omitting the formal parts.

2 THE PRESIDENT: We haven't received it yet.

3 MR. BLAKENEY: I beg your pardon.

4 THE PRESIDENT: The decision to receive the
5 affidavit is one of the majority.

6 MR. BLAKENEY: I read the affidavit:

7 "I was appointed Vice-Chief of the General
8 Staff on 6 November 1941, and attended the Liaison
9 Conferences held after the latter part of that month.
10 Besides, I and Vice-Chief of the Naval General Staff
11 ITO once called on Foreign Minister TOGO and consulted
12 about the time of the delivery of the notification to
13 the United States of 8 December, about which my memory
14 is as follows:

15 "On 3 December, or thereabouts, 1941, it was
16 decided at the Liaison Conference that the notification
17 of the termination of the negotiations should be delivered
18 to the Government of the United States of America at
19 12:30 PM on 7 December (Washington time) at Washington.
20 Thereafter, however, the Navy found it necessary to
21 postpone the time of notification to 1:00 PM on 7
22 December (Washington time), and the High Command of the
23 Army agreed thereto. Thereupon, I and Vice-Chief of
24 the Naval General Staff ITO called on Foreign Minister
25 TOGO on 5 December and requested him to agree to that

alteration of the time.

1 "As to this request, Foreign Minister TOGO
2 asked whether that time left some length of time
3 prior to the opening of hostilities, and on receiving
4 an affirmative reply from Vice-Chief of the Naval
5 General Staff ITO, he acceded thereto. I learned in
6 the evening of the 7th that the result of the con-
7 sultation mentioned above was reported to the Liaison
8 Conference held on the 6th, and obtained its approval.
9

10 "In the interview, Admiral ITO did not inform
11 Minister TOGO where the acts of hostilities would be
12 commenced."

13 Defense document No. 2929, which I now offer
14 in evidence, is an excerpt from exhibit 1270 for
15 identification, "The Collection of Essays on Problems
16 of International Law related to the Greater East Asia
17 war."

18 THE PRESIDENT: Admitted on the usual terms.

19 MR. BLAKENEY: The number, I assume, should
20 be exhibit 1270 something.

21 CLERK OF THE COURT: Defense document 2929 will
22 receive exhibit No. 3634.

23 (Whereupon, the document above re-
24 ferred to was marked defense exhibit No. 3634
25 and received in evidence.)

MR. BLAKENEY: The excerpt, which is the preface to the collection of essays, I shall read in part:

3 "The International Law Society, a foundational
4 juridical person, has established a special committee
5 which has been studying important problems of inter-
6 national law arising since the outbreak of the Greater
7 East Asia War, the direction which the development of
8 international law will take, etc., and this Treaty
9 Bureau of the Foreign Ministry has been cooperating
10 with it.

12 "In the meantime the members of the committee
13 in charge of particular subjects and sections have been
14 presenting valuable reports which were not a little
15 useful for the Foreign Ministry. Therefore we print
16 them herewith, to prevent them from being dispersed and
17 lost, and to keep them available for future reference
18 and study.

19 "The reports printed here are the personal
20 opinions of the members, and their conclusions and
21 arguments have not always matured sufficiently to
22 represent their final, decisive views, as they have not
23 had sufficient time fully to examine them.

24 "I also call your attention to handle these
25 reports with special care."

1 For the last time I turn to exhibit 3609-A
2 to read one passage. Since the report dealt with the
3 countries of Europe and America only, there is no
4 separate section on affairs of Asia. Of course,
5 various passages already read have touched, incidentally,
6 on Mr. TOGO's views on Asiatic relations.

7 Lastly, then, I read from page 25, starting
8 in the middle of the first paragraph with the word
9 "Circumstances".

10 "Circumstances being as they are, we have to
11 be very careful until we prove substantial achievement
12 in developing Manchuria and Mongolia. It is most
13 inappropriate to launch on a reckless adventure -- not
14 only military, but economic, financial or otherwise --
15 without prospect. It is only last February that
16 forty-odd nations in concert opposed Japan in Geneva.
17 Should we see further disturbances, it is likely that
18 these nations would in concert deal with Japan. It
19 is essential therefore that for many years to come,
20 while we are striving for the successful development
21 of Manchoukuo, we should avoid trouble with other
22 countries, unless trouble is forced upon us. As
23 regards China, where we are now confronted with armed
24 resistance, we may be obliged to cope with it, but we
25 should if any opportunity offers itself immediately lay

1 down our policy for the speedy restoration of good
2 will, and strictly abide by it and prove our good
3 faith to the world."

4 I now offer in evidence defense document
5 2917, which is the affidavit of the witness YUZAWA,
6 Michio.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Defense document 2917
9 will receive exhibit No. 3635.

10 (Whereupon, the document above re-
11 ferred to was marked defense exhibit No. 3635
12 and received in evidence.)

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MR. BLAKENEY: I read the exhibit, omitting the formal parts:

"1. I entered the service of the Home Ministry in November 1912, and remained in the service for more than twenty-four years till I retired from office as the Vice-Minister of Home Affairs in February 1937.

"When the TOJO Cabinet was formed in October 1941, I was again appointed Vice-Minister of Home Affairs, and was promoted to Home Minister in February 1942, resigning the office in April 1943.

"2. In July 1942, when I was Home Minister, I was informed that a plan was being prepared by the four Cabinet Directors for the organization of the Greater East Asia Ministry. In August, I received a report with respect to the contents of the plan, to the effect that the business concerning the countries of the East Asiatic areas, including all the political, economic and cultural relations with them, was to be transferred to the Greater East Asia Ministry, leaving for the Foreign Ministry only the formal matters which they called 'pure diplomacy.' I thought the Foreign Minister had good reason to raise an objection, and had a foreboding that this might compel him to resign his office.

"Such was an undesirable event, to be avoided

1 in the course of war. Moreover, being a career
2 official as Mr. TOGO was, I felt deep sympathy for his
3 painful situation -- a Foreign Minister to see the
4 Foreign Ministry, where he had served for so many
5 years, being deprived of its function.

6 "Thereupon, I made up my mind to see Mr.
7 TOGO directly and ascertaining his true intention.
8 I intended to do all I could to prevent any incident
9 that might turn out to be a cause for his resignation.
10 Toward the end of August, I called at his residence to
11 ask his true intention, and realized that he was dead
12 set against the four directors' plan for the creation
13 of the Greater East Asia Ministry. I could perceive
14 his resolution to stake his position on that issue,
15 though he did not express it openly. So I said to him
16 something to the following effect:

17 "'I tender my heart-felt sympathy for your
18 painful situation. I take a practical interest in pre-
19 venting any such mishap as might cause your resignation,
20 but, in case you two do not reach an agreement, we
21 ministers who stand neutral in this connection may be
22 obliged to take the part of the Premier as we do not
23 wish to have the Cabinet collapse at this serious
24 moment.' On the other hand, hoping to find any neutral
25 person who could undertake mediation in the dispute

1 between the Premier and Foreign Minister, I sounded in
2 the first place the opinion of the Navy circle, but
3 after becoming convinced that the latter circle was
4 supporting the new organization, I gave up my attempt
5 to seek help from this side.

6 "On the following day I saw the Premier, and
7 informed him of the Foreign Minister's resolution to
8 oppose the plan at the risk of his position. I told
9 him that I really wondered if it was the proper way, to
10 adhere to the Greater East Asia Ministry plan, and tried
11 to persuade him to reconsider it so that the Foreign
12 Minister's honor might be saved.

13 "The resolution of the Premier, however, was
14 firm. He would not recede an inch, emphasizing the
15 necessity of the new organization in the then circum-
16 stances. And he declared that he wished the establish-
17 ment of the Greater East Asia Ministry to be decided at
18 the following Cabinet meeting. Thereupon, I told him
19 that, since both had such firm resolution, the follow-
20 ing Cabinet meeting would probably be the last confer-
21 ence that the Foreign Minister attended, and expressed
22 my desire that they would have the moral courage to
23 state their respective opinions fairly, without being
24 carried away by their feelings, discussing the matter
25 from all aspects, and part as good friends.

1 "The plan in question was brought up for dis-
2 cussion at the Cabinet meeting of 1 September. The
3 Premier personally took charge of the explanation of
4 the contents of the plan, and was very emphatic about
5 its necessity. His point after all was that, owing to
6 the great changes the situation in East Asia had under-
7 gone in the course of the war, in which the countries
8 of East Asia had a common object. Those countries were
9 no longer unrelated but were in close kinship; and
10 that, in order to meet the new situation of East Asia,
11 a special organization had to be established, which
12 was to deal exclusively with the international affairs
13 of Greater East Asia separately from diplomacy in
14 general.

15 "Foreign Minister TOGO opposed this on the
16 following grounds:

17 "a) As a natural result of the establishment
18 of the Greater East Asia Ministry, the diplomacy of
19 Japan would be divided into two, the diplomatic re-
20 lations with those countries in Greater East Asia being
21 dealt with by a different ministry from that in charge
22 of the relations with the remaining countries of the
23 world. In such case, consistent diplomatic activity of
24 Japan would be quite impossible.

25 "b) The countries of Greater East Asia, which

1 were to be subjected to different treatment from other
2 countries, would surely entertain doubts as to the true
3 motive of Japan. This would also hurt their national
4 pride, and would infringe upon the principle of respect
5 for their independence.

6 "c) It was feared that the new ministry would
7 turn out to be a mere enlarged Koain, extending the
8 latter's way of handling Chinese affairs to the whole
9 area of Greater East Asia, the result of which would be
10 most undesirable.

11 "The discussion lasted for about three hours,
12 during which time all the attendants remained silent
13 except State Minister SUZUKI and one or two others who
14 uttered their opinions in brief. The conference began,
15 and ended, with the single combat between Premier TOJO
16 and Foreign Minister TOGO. Both were calm and gentle-
17 manlike from the beginning to the last, expressing their
18 opinions in a bold and fearless way, and leaving nothing
19 undone for the carrying of their respective points.

20 "The meeting was closed in the afternoon, with
21 an understanding that it would be resumed afterward.
22 But the Foreign Minister tendered his resignation on
23 that very evening. The Premier took over the additional
24 post of Foreign Minister, and the meeting was resumed
25 and passed the Greater East Asia Ministry plan

unanimously.

1 "I called on Mr. TOGO on the following day, and
2 said to him that he must have no regrets, since he had
3 set forth his opinion at length, doing all that a
4 Foreign Minister should do on such an occasion. Mr.
5 TOGO revealed to me that he had made up his mind to
6 tender his resignation because he had realized that he
7 could not agree with General TOJO even in the funda-
8 mental question of the guidance of the war, not to
9 speak of the matter in question."

10 Defense document 2931, excerpts from the
11 Joint Statement of the Greater East Asia Ambassador's
12 Conference, is offered in evidence. Perhaps I may
13 state that the date, which was inadvertently omitted
14 in translation, is shown by the original to be the
15 23rd of April, 1945.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Defense document 2391
18 will receive exhibit No. 3636.

19 (Whereupon, the document above
20 referred to was marked defense exhibit
21 No. 3636 and received in evidence.)

22 MR. BLAKENEY: In reading the document, I pro-
23 pose to omit a large part. This is the excerpt from:
24 "ADOPTION OF THE JOINT STATEMENT OF THE

AMBASSADORS' CONFERENCE

1 "After the close of the conference, on the
2 same day, the Secretariat of the Ambassadors' Conference
3 made the following announcement:

4 "ANNOUNCEMENT OF THE SECRETARIAT

5 " The Foreign Minister and Greater East Asia
6 Minister of Japan, and the Ambassadors of Manchukuo,
7 China, Burma, Thailand the Republic of the Philippines,
8 adopted the following joint statement of unanimous
9 consent at the meeting on this twenty-third day of
10 April, as a result of the frank exchange of views made
11 on the basis of the preliminary negotiations held among
12 their respective home Governments with respect to the
13 method of carrying through the Greater East Asia War
14 and the idea of the establishment of the world order
15 through the joint war."

16 From there, I shall omit to page 2, paragraph
17 3, which is numbered I:

18 " I. The fundamental basis of the international
19 order to be established should be sought in the idea
20 of co-existence and co-prosperity which, under the
21 principles of political equality, economic reciprocity
22 and respect for proper culture, aims at the removal of
23 all discrimination based on racial prejudice and the
24 like, and the securing of mutual friendship and

1 co-operation.

2 "II. Political equality will be guaranteed
3 to all countries, regardless of their respective
4 national power, and equal opportunities will be allowed
5 them for their elevation and expansion. The forms of
6 their respective governments shall be decided in accord-
7 ance with their own will, and shall not be subjected to
8 any interference of other countries.

9 "III. Peoples in colonial status shall be
10 released and established in their rightful place to
11 pave the way for the development of human civilization.

12 "IV. The exclusive control by any one country
13 of resources, trade and international communications
14 shall be done away with in order to secure mutual co-
15 operation of nations and thereby to rectify the economic
16 disproportion of the world, and also to urge the
17 diffusion of economic prosperity, which is due to the
18 originality and exertion of the respective nations.

19 "V. The cultural traditions of the respective
20 nations shall be respected reciprocally, while friend-
21 ship between nations and elevation of mankind shall be
22 advanced by means of cultural intercourse.

23 "VI. Armaments which may prove a menace to
24 other nations shall be prohibited in conformity with the
25 principles of non-menace and non-aggression, while

1 obstacles to international trade shall be removed, in
2 order to prevent any oppression of challenge by
3 economic means, not to speak of those by force.

4 "VII. With respect to the organization for
5 guarantee of security, arbitrary decision on the part
6 of larger Powers and a uniform design for all the
7 world shall be avoided. An order shall be established
8 having as its framework a structure for local security
9 suitable to the actual state of affairs, taking in the
10 necessary world-wide system, while, in the meantime,
11 a way shall be sought to convert the international
12 order in peace in accordance with the development of
13 the ever-changing situation of the world in all spheres.

14 It is not necessary to read the remainder at
15 this time.

16 THE PRESIDENT: That is dated the 23rd of
17 April, but what year? Did you say?

18 MR. BLAKENEY: 1945.

19 Defense document No. 2924, being an excerpt
20 from the ordinance governing formalities for promul-
21 gation of official documents of the 31st of January,
22 1937, is offered in evidence.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Defense document 2924
25 will receive exhibit No. 3637.

1 (Whereupon, the document above
2 referred to was marked defense exhibit
3 No. 3637 and received in evidence.)

4 MR. BLAKENEY: From this exhibit I shall read
5 only the first two paragraphs of Article 7:

6 "Article 7

7 "Imperial Ordinances shall be promulgated to-
8 gether with the Imperial Edict attached thereto.

9 "The above Imperial Edict shall have affixed
10 the Imperial Seal after the Imperial Signature, and
11 the Premier shall make entry of the date and counter-
12 sign it, or shall countersign it together with each
13 other State Minister or with a State Minister or
14 Ministers in charge."

15

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K 1 I now offer in evidence defense document No.
a 2 2926, being Imperial Ordinance 192 of 1914, governing
p 3 organization of the Prisoners of War Information Bureau.
e 4

a 5 THE PRESIDENT: Admitted on the usual terms.
u 6

u 7 CLERK OF THE COURT: Defense document 2926
& 8 will receive exhibit No. 3638.
n 9

n 10 (Whereupon, the document above
a 11 referred to was marked defense exhibit No.
p 12 3638 and received in evidence.)
p 13

14 MR. BLAKENEY: I shall not read the exhibit,
15 but I point out that the ordinance is countersigned by
16 the Premier and Minister of War only.
17

18 Defense document No. 2934 is an excerpt from
19 exhibit 92. The excerpt appears in the original exhibit
20 introduced into evidence as well as in the Japanese
21 copy thereof, circulated by the prosecution. As to
22 what number it should be given, I do not know, but I
23 offer it in evidence.
24

25 THE PRESIDENT: It should be 92-A.
26

27 MR. BLAKENEY: Exhibit 92-A?
28

29 THE PRESIDENT: If there is not already a 92-A;
30 I can't recollect it.
31

32 CLERK OF THE COURT: Defense document 2934
33 will receive exhibit No. 92-A.
34

35 (Whereupon, the document above

1 referred to was marked defense exhibit No.
2 92-A and received in evidence.)

3 MR. BLAKENEY: This is an ordinance establish-
4 ing the Prisoners of War Information Bureau on 29 Decem-
5 ber 1941. I shall not read the excerpt, contenting my-
6 self with pointing out that this ordinance is likewise
7 countersigned only by the Premier and Ministers of War
8 and the Navy.

9 I now offer in evidence defense document 2916,
10 being the affidavit of the witness OTA, Saburo.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Defense document 2916 will
13 receive exhibit No. 3639.

14 (Whereupon, the document above
15 referred to was marked defense exhibit No.
16 3639 and received in evidence.)

17 MR. BLAKENEY: I read the exhibit, omitting the
18 formal parts:

19 "I entered the service of the Foreign Ministry
20 in 1928. As Chief of the Third Section, Bureau of
21 European-Asiatic Affairs, Foreign Ministry, from Novem-
22 ber 1940 to October 1942, I was charged chiefly with
23 business concerning relations with the British Empire;
24 the Foreign Minister presiding over the Foreign Ministry
25 from 18 October 1941 to 1 September of the following

1 year, 1942, was Mr. TOGO, Shigenori.

2 "Shortly after the outbreak of the Pacific War,
3 the governments of the United States and Britain re-
4 spectively proposed to the Japanese Government the mutual
5 exchange of diplomatic and consular officials and their
6 families, as well as as many resident enemy nationals as
7 possible. I was ordered to take charge of the exchange
8 business under Foreign Minister TOGO, and managed the
9 business relating to the negotiations with the United
10 States, Britain, and other Allied Powers, through the
11 protecting Powers, and also the preliminary consultation
12 among the competent Japanese offices necessary for its
13 realization.

14 "As a result of the negotiations with the
15 United States and Britain, it was decided that owing to
16 the shortage of bottoms those persons to be repatriated
17 should for the time being be limited, except for dip-
18 lomatic and consular officials and their families, to
19 temporary residents, and that the Japanese Government
20 should send back not only the resident nationals of the
21 enemy countries in Japan proper, but also those in Man-
22 chukuo, China, French Indo-China and Thailand, including
23 the nationals of all the Allied European and American
24 countries, not to speak of those of the United States and
25 Britain. In spite of the complexity and difficulties

1 attending the exchange business and the carrying out of
2 the agreement, Foreign Minister TOGO exerted himself
3 from the very first to bring the negotiations to a suc-
4 cessful conclusion and to carry out the agreement thus
5 reached, constantly urging us to the speedy realization
6 of the repatriation.

7 "For this purpose, however, it was necessary
8 to secure vessels to transport those persons to be re-
9 patriated, and great was the difficulty among army, navy
10 and other circles concerned with the development of
11 operations imposing large demands upon shipping. More-
12 over, the High Command attached various conditions to
13 setting a date for the voyages of the exchange ships
14 through southern waters to and from Lorenzo Marques,
15 Portuguese East Africa, the place of exchange of those
16 to be thus repatriated, on the ground that the safety of
17 navigation could not be guaranteed owing to the opera-
18 tions in progress in those waters. The Foreign Minister
19 frequently had conversations with the Naval High Command
20 and the other authorities concerned on this question,
21 and at last succeeded in persuading them to the realiza-
22 tion of the program. The Japanese Government thereupon
23 chartered the Asama Maru (16,975 tons) and the Conte
24 Verde (18,765 tons), and then, afterward, the Tatsuta
25 Maru (16,975 tons) and the Kamakura Maru (17,526 tons),

1 all first-class liners, which sailed for the place of
2 exchange between 25 June and 10 August 1942, taking
3 aboard those to be repatriated at Yokohama, Kobe,
4 Shanghai, Hong Kong, Saigon and Singapore. The nationals
5 of Britain, the United States and other Allies sent back
6 to their respective home countries came to the approxi-
7 mate number of 3,500 in total, the majority of whom,
8 nearly 2,500 men and women, were temporary residents.
9 Among them, those Allied nationals who were taken aboard
10 at various places beyond Japanese waters amounted to
11 2,000. The largest part of those resident in Japan who
12 were repatriated included a considerable number of per-
13 sons who had been interned by the Japanese authorities.
14 Some of these had been charged under the criminal law
15 and were on trial. We had great difficulty in releas-
16 ing them. Foreign Minister TOGO in person demanded of
17 the judicial authorities to release several of them,
18 with success.

19 "Furthermore, one or two representatives of
20 the Foreign Ministry were on board each of the exchange
21 ships to see that the repatriates were treated well.
22 Special attention was also paid to all facilities af-
23 forded to them. (Exhibit No. 3074.)

24 "After the resignation of Foreign Minister TOGO
25 the Teia Maru (17,536 tons) made a voyage in September

1 1943 as an exchange ship to Malmagon, a Portuguese port
2 in Goa, India. The above five were the exchange ships
3 sent by the Japanese Government during the war."

4 I offer in evidence defense document No. 2944,
5 a certificate of the illness and inability to attend the
6 Tribunal of Admiral SUZUKI, Kantaro, who was to have been
7 the next witness.

8 THE PRESIDENT: Admitted on the usual terms.
9 CLERK OF THE COURT: Defense document 2944
10 will receive exhibit No. 3640.

11 (Whereupon, the document above
12 referred to was marked defense exhibit No.
13 3640 and received in evidence.)

14 MR. BLAKENEY: In view of the technical nature
15 of the exhibit, I don't think it necessary to read it,
16 other than to point out the last sentence, "Because of
17 his advanced age and ill health, it is deemed unwise to
18 have him leave his place of abode."

19 And with that, I now offer in evidence the
20 affidavit of Admiral SUZUKI, Kantaro, defense document
21 No. 1082.

22 THE PRESIDENT: Mr. Sutton.

23 MR. SUTTON: If it please the Tribunal, the
24 prosecution objects to the last paragraph of this
25 affidavit on the ground that it contains only character

1 evidence and for that reason should be excluded.

2 MR. BLAKENEY: I dare say that is correct under
3 the present rulings of the Tribunal.

4 THE PRESIDENT: The objection is sustained; the
5 document admitted, except as to the last paragraph, on
6 the usual terms.

7 CLERK OF THE COURT: Defense document No. 1082
8 will receive exhibit No. 3640-A.

9 (Whereupon, the document above
10 referred to was marked defense exhibit No.
11 3640-A and received in evidence.)

12 MR. BLAKENEY: I read the affidavit as ad-
13 mitted:

14 "I, Admiral SUZUKI, Kantaro, make the follow-
15 ing statement of facts within my knowledge:

16 "When I received the Imperial command to form
17 a cabinet, in April 1945, being a novice in politics, I
18 requested advice of the Jushin (Elder Statesmen) con-
19 cerning the selection of the cabinet members. For For-
20 eign Minister, however, I made my own choice of TOGO,
21 Shigenori, for the reason that although I knew him only
22 slightly I had the feeling that he had opposed the war
23 from the beginning and had resigned from the TOJO
24 Cabinet as a measure of opposition to TOJO's dictator-
25 ship and high-handed policies. I had believed from the

beginning that a war against America and Britain
1 could not succeed, and when selected as Premier I under-
2 stood that it was to be my duty to attempt to bring about
3 the ending of the war; therefore, I wished to select as
4 Foreign Minister a man who was known to have opposed war.
5

"At the time of the formation of the cabinet
6 Mr. TOGO was in Karuizawa, and I requested him by tele-
7 graph to accept the portfolio of Foreign Minister. His
8 reply was that he would have to discuss the matter with
9 me before giving his acceptance. He therefore came to
10 Tokyo on 8 April, and we did discuss his acceptance of
11 the post. In view of the conditions prevailing in Japan
12 at the time, it was not possible for me to speak openly
13 on the question of ending the war; but from our conver-
14 sation I had the impression that Mr. TOGO's views were
15 the same as my own. Although I do not now remember
16 clearly, he may have stated that his acceptance was con-
17 ditional upon the cabinet's being one which would work
18 to bring about the end of the war.
19

"As a result of that conversation, Mr. TOGO
20 said that he would have to consult his superiors in the
21 Foreign Ministry (he mentioned specifically HIROTA, Koki)
22 before giving his decision. On the next day he gave me
23 his decision to accept. Very soon thereafter Mr. TOGO
24 and I had a talk in which he brought up the question of
25

1 ending the war, stating that in his opinion it must be
2 brought about as soon as possible, and we reached an
3 agreement on the point. Beginning about the middle of
4 May six-man conferences of Premier, Foreign Minister,
5 Army and Navy Ministers, and Army and Navy Chiefs of
6 General Staff began to be held to discuss the entire
7 question of ending the war. By that time the battle of
8 Okinawa was seen to be hopeless, which weakened the
9 services' insistence on continuation of the war; and by
10 the end of May Mr. TOGO's urging that we must approach
11 Russia to attempt to bring hostilities to an end had
12 persuaded the services to the extent that they were
13 agreed to approaching Russia, although there was still
14 some idea of securing not merely mediation but assistance
15 from her.
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1 "From that time until 22 June there was
2 further discussion and some difference of opinion in
3 the six-man conference regarding the method of pro-
4 cedure. During this time Mr. TOGO took the lead in
5 the conferences in insisting that the war must end,
6 and that Russia's mediation must be sought to end it.
7 On 22 June the six members of the conference were
8 summoned before the Throne, at which time the Empero-
9 clarified his views of the matter, which views were
10 that the war must be brought to a speedy conclusion.
11 Thereafter there was no further disagreement in the
12 six-man conferences, and arrangements were made to
13 send a special envoy to Moscow to request mediation.
14 Owing to various delays this was not accomplished
15 before the announcement of the Potsdam Declaration
16 on 26 July.

17 "On 9 August, at meetings of the six-man
18 conference and the Cabinet, a plan was presented by
19 Foreign Minister TOGO for acceptance of the Potsdam
20 Declaration with the sole condition attached of main-
21 tenance of the national polity. Again there was disa-
22 greement, some of the members wishing to add certain
23 conditions concerning disarmament of Japanese troops,
24 occupation of Japan and other points. The matter was
25 therefore presented to the Throne for decision; after

1 hearing the opposing points of view, the Emperor without
2 hesitation accepted Mr. TOGO's proposal, and
3 ordered it carried out."

4 I now offer in evidence defense document No.
5 2,750, the affidavit of MATSUDAIRA, Yasumasa.

6 THE PRESIDENT: Mr. Sutton.

7 MR. SUTTON: If it please the Tribunal, the
8 prosecution objects to the third sentence from the
9 end of the affidavit beginning with the words "The
10 reason" and ending with the word "TOGO."

11 THE PRESIDENT: Ending with the word "TOGO"
12 where it secondly appears? It appears twice. The
13 whole sentence you want to object to?

14 MR. SUTTON: It begins with the phrase
15 "The reason I desired Mr. TOGO to assume the minister-
16 ship." We object to it on the ground that it is
17 opinion evidence and is violative of the rule which
18 precludes character evidence.

19 THE PRESIDENT: That is arguable. His reason
20 is a matter of fact.

21 MR. BLAKENEY: The witness here, of course,
22 your Honors, is stating his motive for action, not
23 his opinion nor character evidence. He is telling
24 why he did that which he did.

25 THE PRESIDENT: We can't sustain the objec-

1 tition on the ground taken. There may be other grounds;
2 I don't know of any.

3 The objection is overruled.

4 MR. LOGAN: If the Tribunal please, I would
5 like to have this witness called. I would like to
6 ask him a few questions.

7 THE PRESIDENT: Well, read the affidavit.
8 We will have to consider whether to have these men
9 called for cross-examination. I think most of us are
10 inclined to feel that Mr. Brannon's application, if
11 we can take it as renewed, should be acceded to.

12 CLERK OF THE COURT: Defense document 2750
13 will receive exhibit No. 3641.

14 (Whereupon the document above
15 referred to was marked defense exhibit
16 3641 and received in evidence.)

17 MR. BLAKENEY: I read exhibit 3,641, omitting
18 the formal parts.

19 "1. I had known Mr. TOGO Shigenori before I
20 became private secretary to the Lord Keeper of the
21 Privy Seal, in which position I served from June 1936
22 till November 1945. My acquaintance with Mr. TOGO
23 became more intimate after he assumed the Foreign
24 Ministership in the TOJO Cabinet.

25 "2. On 6 April 1945 Admiral SUZUKI received

on Imperial order to form a cabinet. As I was informed that the Admiral had asked Mr. TOGO to accept the Foreign portfolio, but that Mr. TOGO was hesitating to accept the offer, I called on him on 9 April at his residence in Azabu and expressed the desire that he should assume the post that was offered. On that occasion Mr. TOGO told me that Admiral SUZUKI was desirous of terminating the war and that he and the Admiral were in agreement in principle in that respect, but that whereas he believed that it was extremely difficult to continue the war and that it must be terminated as soon as possible, the Admiral thought that it could, depending on circumstances, be continued two or three years more; and that so long as he and the Admiral entertained different opinions on this point, they could not agree on the high policy regarding the war; and that he could not accept the Foreign portfolio under such circumstances. I thereupon told him that the opinion of Admiral SUZUKI on that point, as I had observed, was not necessarily a fixed one, and that it was desired that Mr. TOGO should enter the new cabinet and enlighten the Admiral in that respect; that it was known that the Emperor was considering the termination of the war, so that he need not worry about the point too much; and that it was urgently

1 desired that he should contribute his strength to the
2 Emperor. The reason that I desired Mr. TOGO to assume
3 the ministership was that the war could not be termina-
4 ted in the domestic circumstances then prevailing
5 without a Foreign Minister who had unusual sincerity
6 and the determination even to risk his life, as well
7 as superior brilliance, and that I could not find
8 any such candidate for the post other than Mr. TOGO.
9 As I reported the conversation with Mr. TOGO to Lord
10 Keeper of the Privy Seal KIDO, the latter told me that
11 it was his hope that Mr. TOGO would accept the Foreign
12 portfolio. Thereupon I called Mr. TOGO on the tele-
13 phone to convey this message and again to request him
14 to accept the ministership."

15 THE PRESIDENT: Mr. Logan.

16 MR. LOGAN: I renew my application to
17 have the witness appear.

18 THE PRESIDENT: Is he in Tokyo? I suppose
19 he is.

20 MR. LOGAN: I have several questions on
21 direct examination.

22 THE PRESIDENT: Is this on behalf of KIDO?

23 MR. LOGAN: That is right.

24 MR. FURNESS: I also, if your Honor please,
25 wish to ask him certain questions.

1 THE PRESIDENT: Yes, he is to be called for
2 cross-examination. He has given evidence before,
3 hasn't he?

4 MR. FURNESS: Yes.

5 - - -
6 Y A S U M A S A M A T S U D A I R A, recalled
7 as a witness on behalf of the defense, having
8 been previously sworn, testified through Japan-
9 ese interpreters as follows:

10 THE PRESIDENT: You are still on your former oath.

11 DIRECT EXAMINATION

12 BY MR. LOGAN:

13 Q Marquis MATSUDAIRA, on December 8, 1941,
14 you were Chief Secretary to Marquis KIDO, Lord Keeper
15 of the Privy Seal, isn't that correct?

16 A Yes, I was.

17 Q Did you have a talk with Marquis KIDO some-
18 time in the morning of December 8, 1941, with regard
19 to the telegram from President Roosevelt to the
20 Emperor?

21 MR. BLAKENEY: If it is cross-examination
22 it is outside the scope of the direct.

23 MR. LOGAN: I announced this was direct
24 examination.

25 MR. BLAKENEY: If it is not cross-examina-

1 tition, counsel has not the right to demand his pro-
2 duction on this affidavit, as I understand the
3 matter. I therefore object to questions along this
4 line.

5 THE PRESIDENT: Well, he was called for
6 cross-examination. I said so clearly and I under-
7 stood that is what he was required for, although
8 personally I could not see that the affidavit would
9 authorize it as it stood.

10 MR. BLAKENEY: If he was called for cross-
11 examination --

12 THE PRESIDENT: Mr. Logan has the per-
13 mission of the Tribunal to conduct a direct examina-
14 tion of this witness.

15 BY MR. LOGAN:

16 Q Do you remember the question I asked, Marquis?

17 | A Yes I do

18 6. What is the answer?

19 A I have a recollection with regard -- in
20 connection with talking about the telegram from
21 President Roosevelt on the morning of the 8th of
22 December.

Q About what time was this conversation held?

25 A Sometime in the morning.

Q. Was it nearer noon or nearer the early

morning?

MATUDAIRA

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35,600

A Rather closer to noon.

Q Well us what you said to Marquis KIDO and
what he said to you.

A Marquis KIDO said that at that time he was
not familiar with the details.

Q Had you asked him what the details of the
telegram were?

A Well, I heard about the contents of the tele-
gram --

Correction: I heard what the contents of the
telegram were about.

Q Was that from Marquis KIDO or from someone
else?

A From Marquis KIDO.

Q And did he tell you the details as well as
the contents?

A No, I don't think at that time that I
heard anything of the contents from him. He said he
was at that time unfamiliar with the details of the
telegram -- of the contents of the telegram.

MR. LOGAN: Thank you.

THE PRESIDENT: Major Furness.

For SHIGEMITSU?

MR. FURNESS: Yes, direct examination.

DIRECT EXAMINATION (Continued)

1 BY MR. FURNISS:

2 Q Marquis, who was the Foreign Minister in the
3 cabinet which preceded the SUZUKI Cabinet?

4 A I think it was Mr. SHIGEMITSU.

5 Q And that cabinet had just resigned, had it
6 not, at the time you had your conversation with Mr.
7 TO GO?

8 A Yes.

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1 Q You testified in your affidavit, "The
2 reason that I desired Mr. TOGO to assume the minister-
3 ship was that the war could not be terminated in the
4 domestic circumstances then prevailing without a
5 Foreign Minister who had unusual sincerity and the
6 determination even to risk his life, as well as
7 superior brilliance, and that I could not find any
8 such candidate for the post other than Mr. TOGO."
9 To your knowledge, had Mr. SHIGEMITSU made efforts
10 along those lines during the time that he was Foreign
11 Minister?

12 A Yes, I think so.

13 Q Had he worked with you personally with re-
14 gard to those matters?

15 A Yes.

16 Q Under the circumstances, could he have suc-
17 ceeded in that position in the new cabinet?

18 A Probably he would not have been able to do
19 it, in my estimation.

20 Q And is that the reason that you did not feel
21 that there was any other candidate for such post than
22 Mr. TOGO?

23 A Yes, as you say.

24 THE PRESIDENT: Major Blakeney.

25 MR. BLAKENEY: I do not wish to cross-examine.

1 I ask that the witness be released on the usual terms.

2 THE PRESIDENT: He is released accordingly.

3 (Whereupon, the witness was ex-
4 cused.)

5 MR. BLAKENEY: I now offer in evidence
6 defense document No. 2751, the affidavit of SAKOMIZU
7 Hisatsune.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Defense document 2751
10 will receive exhibit No. 3642.

11 (Whereupon, the document above
12 referred to was marked defense exhibit
13 No. 3642 and received in evidence.)

14 MR. BLAKENEY: I read the exhibit, omitting
15 the formal parts:

16 "When Admiral SUZUKI Kantaro received an
17 Imperial mandate to form a new cabinet on 5 April 1945,
18 I participated in the selection of the cabinet minis-
19 ters. I was appointed Chief Secretary of the Cabinet
20 on 7 April upon its formation and remained in that
21 office until 17 August when the Cabinet resigned en
22 masse. During that period, I attended all the Imperial
23 Conferences, Cabinet meetings and Supreme War Direction
24 Councils in the capacity of the Chief Secretary of the
25 Cabinet. The following testimony to the facts con-

1 cerning Foreign Minister TOGO in the SUZUKI Cabinet
2 is based upon what I learned directly through my own
3 experience at the above-mentioned Councils and Con-
4 ferences and what I was told by Premier SUZUKI and
5 Foreign Minister TOGO.

6 "1) On the occasion of the formation of
7 the Cabinet, it was decided to recommend Mr. TOGO
8 Shigenori as Foreign Minister. An urgent message
9 was promptly wired to the Governor of Nagano Prefec-
10 ture on 7 April to request Mr. TOGO, who was then in
11 Karuizawa, to come up to Tokyo, where he was to be
12 asked to enter the Cabinet.

13 "He arrived in Tokyo on the evening of 7
14 April and met Admiral SUZUKI that evening. He declared
15 that since he had originally been against the Pacific
16 War, he wanted to endeavor to terminate it as quickly
17 as possible; that although the time to close the war
18 must of course be carefully chosen in the light of
19 the development of the war situation, he wanted to
20 know whether Premier SUZUKI was determined to make
21 his Cabinet the Cabinet to end the war, and accord-
22 ingly what the Premier's opinion was with respect to
23 the war potential of Japan. Exchange of opinions
24 followed and eventually Mr. TOGO declined the offer
25 of the Foreign Ministership on the ground that the

1 Admiral's reply was not clear and they parted with a
2 promise to reconsider the matter. As the Premier
3 told me of the above outcome, I called on Mr. TOGO on
4 the following day, 8 April. I explained how it was
5 impossible for the Premier to declare, in the circum-
6 stances of those times, that he really intended to
7 bring the war to a close promptly, because of the
8 extremely important effect and reaction it might pro-
9 duce. I pressed our request that, since the true
10 intention of the Premier was clear, he should accept
11 the appointment on that tacit understanding, and asked
12 him to meet Mr. SUZUKI again on the following day,
13 the 9th.

14 "Mr. TOGO repeatedly emphasized his position,
15 but agreed to call on the Premier on the 9th. Mr.
16 TOGO met Premier SUZUKI on 9 April, had a long talk
17 with the Premier, and finally accepted the offer to
18 become Foreign Minister. The Premier told me at that
19 time that it was because an agreement was reached on
20 the question between the two.

22 "2) Mr. TOGO as Foreign Minister in the
23 SUZUKI Cabinet was the most earnest advocate of peace
24 from first to last. His opinions delivered at the
25 exclusive meetings of the Big Six (the members of the
Supreme War Guidance Council; namely, the Premier,

1 the Foreign Minister, the War Minister, the Navy
2 Minister, the Chief of the Army General Staff and
3 the Chief of the Naval General Staff), held very
4 frequently from the middle of May onward, were al-
5 ways for prompt ending of the war. From what I was
6 told by the Premier, Mr. TOGO did not necessarily
7 rest his hopes upon the possibility of peace through
8 the good offices of the Soviet Union, but intended
9 so far as possible direct negotiation with the United
10 States Government. However that may be, his efforts
11 for peace were consistent. Meanwhile, there was an
12 opinion supported by some military circles that Japan
13 should get from the Soviet Union petroleum and equip-
14 ment which would enable Japan to continue war. But
15 Mr. TOGO asserted that such was quite inconceivable, and
16 insisted on the prompt conclusion of peace.
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1 "As the Imperial Decrees were revealed on
2 22 June and concrete measures were to be taken to
3 end the war, the Foreign Minister in person directed
4 the necessary preparation and proceeded with the
5 negotiations with the Soviet Union. When the Potsdam
6 Declaration was promulgated on 26 July, the general
7 trend of opinions expressed at the Cabinet meeting and
8 the Supreme War Direction Council was that as the
9 negotiations were being conducted with the Soviet
10 Union, Japan should decide the measures to take in
11 this connection after receiving a reply from the Soviet
12 Union. It was decided that Japan should for the time
13 being see how things might develop, maintaining silence
14 as to acceptance or rejection of the Potsdam Declaration.
15 The military, however, raised an objection that the
16 silence of the Government as to the Declaration would
17 exert a most demoralizing effect upon the troops at the
18 front and that therefore a strong statement should be
19 issued against it.

20 "The Foreign Minister was firmly against this
21 opinion of the military, pointing out that manifestation
22 of such an intention of the Government would eventually
23 prove a fatal obstacle to the conclusion of peace.
24 Later, this problem was brought up for discussion
25 among the War Minister, the Navy Minister, the Chief

of the Army General Staff and the Chief of the Naval General Staff at a conference which the Foreign Minister did not attend. The opinion of the military prevailed and it was decided that the Premier should state at a press conference that the Japanese Government would not take a serious view of the Potsdam Declaration, which was in substance similar to the Cairo Declaration. The press reported that the Premier stated that the Japanese Government ignored the Declaration. The Foreign Minister regretted this deeply, and did not give his consent to the decision to the last. When, afterward, the Soviet Union declared war upon Japan on the pretext of the above-mentioned statement, the Foreign Minister was deeply chagrined at this, and cried 'That's just what I expected.'

"On 6 August, the city of Hiroshima was attacked with atomic bombs. Upon receiving the report, the Foreign Minister told the Premier that the war should be terminated promptly, and pressed his opinion upon the military leaders.

"When the American radio broadcast reported the Soviet Union's participation in the Pacific War at a little after 4 A.M., 9 August, Mr. TOGO called on the Premier (I was with the Premier then), and advised him

to end the war promptly. The Supreme War Direction Council was held in the morning of the same day. There 1
2 Mr. TOGO strongly insisted on the acceptance of the
3 Potsdam Declaration insofar as the Allies would respect
4 the safety of the Imperial Household, but the Council
5 adjourned without coming to a conclusion. The Cabinet
6 meeting was opened at 1 PM. Here, too, Mr. TOGO
7 repeated his argument, and explained fully the reasons
8 why he could not agree with those who insisted upon
9 attaching various conditions to Japan's acceptance of
10 the Potsdam Declaration. He succeeded in convincing
11 the majority of the Cabinet members.
12
"At t:

12 "At the Imperial Conference on the night of
13 the 9th, Mr. TOGO stated his belief frankly and
14 clearly. In giving the Imperial decision on that
15 occasion, His Majesty graciously stated, 'We approve
16 the opinion of the Foreign Minister.'
17

17 "At the Cabinet meeting held from 10 AM,
18 13 August, immediately after the Allies' reply was
19 received, Mr. TOGO insisted on the acceptance of the
20 Declaration promptly on the basis of this reply. Some
21 Cabinet members persisted in requesting a more clear
22 and positive reply from the Allies with respect to
23 the national polity and other questions, but Mr. TOGO
24 refuted them with convincing reasoning.
25

24 of the 20th, Foreign Minister ... fter-
25 noon of the same day to send instructions to

1 "Discussion was repeated further at the
2 Imperial Conference in the morning of 14 August,
3 His Majesty again approved the Foreign Minister's
4 opinion and gave the final decision to accept the
5 above-mentioned reply of the Allies as it stood.

6 " In short, Mr. TOGO as Foreign Minister in
7 the SUZUKI Cabinet concentrated all his energy upon
8 his cherished design of restoration of peace. I am
9 still deeply impressed by his all-out efforts to end
10 the war which was started against his will."

11 Defense document No. 2941 excerpted from
12 the "Asahi Shimbun" for the 21st of February 1933 is
13 offered in evidence to show the date upon which was
14 decided the Japanese withdrawal from the League of
15 Nations.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Defense document 2941
18 will receive exhibit No. 3643.

19 (Whereupon, the document above
20 referred to was marked defense exhibit
21 No. 3643 and received in evidence.)

22 MR. BLAKENEY: I shall read the exhibit:

23 " In conformity with the important conference
24 of the 20th, Foreign Minister UCHIDA was on the after-
25 noon of the same day to send instructions to

1 Mr. MATSUOKA, our chief delegate in Geneva, to the
2 following effect:

3 "1. The Japanese Government absolutely
4 rejects the report and the proposed recommendations
5 of the League, in view of the fact that they are
6 entirely in conflict with the belief of the Japanese
7 Government concerning the establishment of the peace
8 in East Asia.

9 "2. It was therefore formally decided by
10 the highest authority that, should the General
11 Assembly adopt the report and the recommendations as
12 they stand, Japan would withdraw from the League of
13 Nations, as the Japanese Government could no longer
14 maintain cooperation with the League in such an event.

15 "3. However, in withdrawing from the League,
16 constitutional steps have to be taken prior to the
17 diplomatic proceedings. The representatives should
18 therefore return home without taking any steps at the
19 Assembly for withdrawal.

20 "4. When the report and the recommendations
21 are submitted to the Assembly the representative should
22 promptly seize the opportunity to make a statement of
23 opposition, and vote against them in voting. The
24 representative should simultaneously report to
25 Secretary-General Drummond the non-acceptance of the

1 report and, pending the instruction of the Government,
2 take steps for the publication of the statement.
3 Upon completion of all necessary steps the representa-
4 tive should promptly leave Geneva with his staff.

5 "Foreign Minister UCHIDA is to instruct
6 Mr. MATSUOKA, our representative, at the same time
7 concerning our statement of opposition and the form
8 of the statement."

9 THE PRESIDENT: We will recess for fifteen
10 minutes.

11 (Whereupon, at 1445, a recess was
12 taken until 1500, after which the proceedings
13 were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Major Blakeney.

4 MR. BLAKENEY: I now offer in evidence de-
5 fense document No. 2747, being the affidavit of OKURA
6 Kimmochi.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Defense document 2747
9 will receive exhibit No. 3644.

10 (Whereupon, the document above
11 referred to was marked defense exhibit
12 No. 3644 and received in evidence.)

13 MR. BLAKENEY: I read the affidavit, omitting
14 the formal parts.

15 "1. I have been a member of the House of
16 Peers for many years, and since 1937 have been managing
17 director of the Kokusaku Kenkyukai (Society for Study
18 of the National Policy). This society was an organiza-
19 tion of purely private nature, maintained by membership
20 fees and contributions from official and private
21 sources. A detailed account of the nature and opera-
22 tions of the Society having been given to the Tribunal
23 by the witness TATSUGI (Exhibit No. 678), I refrain
24 from repeating it here, and shall state only the fol-
25 lowing facts in explanation of the relation of Mr. TOGO

Shigenori to the Society.

1 "2. Membership in the Society was open to all,
2 and withdrawal from membership also was quite free and
3 voluntary. Accordingly there used to be continual
4 change in the membership, and those members who did
5 not belong to some committee of the Society were
6 (with the exception of a few interested who sometimes
7 expressed their opinions at some meeting or other) so
8 little connected with the activities of the Society
9 that the only benefit they derived from being members
10 was that they were sometimes invited to the lecture
11 meetings which the Society held in compensation for the
12 fees paid, and received the periodicals published by
13 the Society. Many of the members failed to pay their
14 membership fees, but so long as they did not express
15 the desire to withdraw from the Society they were
16 treated as members and received the periodical publica-
17 tions of the Society. But in no circumstances were the
18 major, special publications of the Society, such as
19 those introduced as evidence by the prosecution
20 (Exhibits Nos. 684 and 685) ever distributed to ordinary
21 members.

22 "3. Mr. TOGO joined the Society, if I remember
23 right, in 1942 after he had resigned his post of Foreign
24 Minister. He was of course only an ordinary member,

1 having never had any connection with any of the com-
2 mittees nor in any way participated in the management
3 of the Society, as an officer or director. I did at
4 one time approach him with the suggestion that he be-
5 come a member of the Executive Committee, but he re-
6 jected the suggestion. Moreover, so far as I remember,
7 he did not attend any of the meetings held by the
8 Society, and I do not even remember whether he paid
9 membership fees. To speak honestly, he was a half-
10 hearted and uncooperative member.

11 "4. About December 1941 I called on Mr.
12 NISHI, then the Vice Minister for Foreign Affairs, with
13 whom I had long been acquainted, and asked for a con-
14 tribution of ¥20,000 from the Foreign Ministry, ex-
15 plaining to him that the Society was soliciting con-
16 tributions for the purpose of undertaking the study
17 of various wartime problems. The Society received the
18 money from the Foreign Minister some two or three
19 months later. At the time of the making of the above
20 request, the concrete program of study of the Society
21 had not yet been decided, and my explanation to the
22 Vice Minister naturally was sketchy and rather vague
23 as to particulars. I submitted no written program in
24 connection with the request for a contribution. It
25 may be added that I have never seen Mr. TOGO on any

business concerning this or any other contribution to
1 the Society."

2 I offer in evidence defense document No. 2781,
3 the ordinance establishing the Supreme War Council,
4 Imperial Ordinance No. 294 of December 1903.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Defense document 2781
7 will receive exhibit No. 3645.

8 (Whereupon, the document above
9 referred to was marked defense exhibit
10 No. 3645 and received in evidence.)

11 MR. BLAKENEY: From the exhibit I shall read
12 only Article 4.

13 "Article 4. The Supreme War Councillors shall
14 be as follows:

15 "Marshals and Admirals of the Fleet
16 "War Minister
17 "Navy Minister
18 "Chief of Army General Staff
19 "Chief of Naval General Staff
20 "General officers of the Army and Navy specially
21 appointed Supreme War Councillors."

22 Temporarily passing by the next document on my
23 order of proof, I call as a witness in his own behalf,
24 TOGO, Shigenori, whose testimony is contained in his

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affidavit, defense document No. 2927.

1
2 SHIGENORI TOGO, an accused, being first
3 duly sworn, testified through Japanese interpreters
4 as follows:

5 DIRECT EXAMINATION

6 BY MR. BLAKENEY:

7 Q Please state your name.

8 A TOGO, Shigenori.

9 Q You are one of the defendants in this case?

10 A Yes, I am.

11 MR. BLAKENEY: Let the witness be shown defense
12 document No. 2927.

13 (Whereupon, a document was handed to
14 the witness.)

15 Q Please examine that document and state to
16 the Tribunal whether that is your affidavit signed and
17 sworn to by you?

18 A Yes.

19 Q Are the contents thereof true and correct
20 to the best of your knowledge?

21 A Yes, they are.

22 MR. BLAKENEY: I offer in evidence the affi-
23 davit, defense document No. 2927.

24 THE PRESIDENT: Admitted on the usual terms.

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CLERK OF THE COURT: Defense document 2927

1 will receive exhibit No. 3646.

2 (Whereupon, the document above
3 referred to was marked defense exhibit
4 No. 3646 and received in evidence.)

5 MR. BLAKENEY: I read the affidavit.

6 "Section I. General.

7 "1. I entered the service of the Japanese
8 Foreign Ministry in November 1912, immediately after
9 passing the diplomatic and consular service examination,
10 and for the following thirty-three years until my
11 retirement upon resignation of the post of Foreign
12 Minister on 17 August 1945, I devoted my life contin-
13 uously (except for the period 1 September 1942 to 9
14 April 1945, when I was retired) to the diplomatic ser-
15 vice. During that period I occupied successively the
16 usual positions at home and abroad which are the history
17 of a diplomat's life, and received promotions, decora-
18 tions and other forms of recognition in the usual course
19 of a government servant's career. I have never held
20 military office nor had any connection of any nature
21 with any military or militaristic group or clique;
22 neither have I been a member of any political party
23 or society nor ever held political office, except that
24 after my retirement from office on 1 September 1942

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I was appointed a member of the House of Peers, a sort
1 of retirement honor frequently bestowed on retiring
2 cabinet ministers and other high officials. (I did
3 at one time receive membership in the Imperial Rule
4 Assistance Political Society, which I suppose might be
5 considered a 'political party,' but I was never active
6 in it and took so little interest in it that I am not
7 even sure when I received my membership, whether it con-
8 tinued until the Society's dissolution, and whether
9 an advisorship or the like position was conferred on
10 me.) My profession has been diplomacy. My aim as a
11 diplomat has been the advancement of my country's
12 interests, but always governed by the conviction that
13 my own country would be best served by attempting to
14 understand other's viewpoints, by promoting internation-
15 al friendship, and striving for amicable settlements
16 and maintenance of peace, thus to contribute to the
17 welfare of mankind as a whole.

19 "2. The facts of my career are substantially
20 as contained in the record of the Personnel Section
21 of the Cabinet Secretariat, introduced into evidence
22 as exhibit No. 127, subject to the amplifications con-
23 tained in defense documents Nos. 1280, 1281 and 2866,
24 which points I shall mention in detail hereafter at
25 the appropriate times. My diplomatic career up to the

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time I became Foreign Minister was related almost
1 wholly to European and American affairs, and primarily
2 to European. My introduction to the diplomatic ser-
3 vice was a period of something short of three years
4 in the Consulate-General at Mukden, but I never served
5 thereafter in any country in Asia. During World War I
6 I was appointed to a post in Switzerland, and after
7 the armistice served on the Japanese delegation to the
8 Peace Conference. I was dispatched to Germany, and
9 remained there after the conclusion of the peace treaty
10 as a secretary to the Japanese Embassy in Berlin. I
11 then served in Tokyo as Chief of the 1st Section of the
12 European-American Bureau of the Foreign Ministry, which
13 section is concerned with affairs of Russia and neigh-
14 boring states (exhibit No. 127). In December 1925 I
15 was ordered to the Japanese Embassy in Washington as
16 senior secretary, staying there until May 1929, and then
17 from June of that year until the end of 1932 I was
18 Councillor of Embassy in Germany. During that time I
19 was twice ordered to Geneva (defense document No. 1280).
20 The first of these occasions was in September 1930,
21 when I was designated as a member of the suite of the
22 Japanese delegation to the 11th Assembly of the League
23 of Nations. I was absent from my post at Berlin that
24 time only 22 days, and was at Geneva about ten days.

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Again, in December 1931 I was detailed as the Secretary-General of the Japanese delegation to the Conference on General Disarmament, and served in that capacity in Geneva from February to August and in November 1932.

"3. At this point I should like to take the occasion to correct a few misconceptions arising from the prosecution's evidence or assertions. From the fact that I was once in Geneva at the same time as Mr. MATSUOKA, the prosecution have produced this argument: 'At the time of the Manchurian Incident he was with MATSUOKA on the delegation of the League of Nations, whose business it was to defend the aggression and to give the assurances which were so often broken' (31 January 1947, record page 16,939). At 'the time of the Manchurian Incident', September 1931, I was not in Geneva but at my post in Berlin. Presumably the prosecution's assertion relates to 1932, a year after the Manchuria Incident. At that time I was in Geneva as chief secretary of the Japanese delegation to the Disarmament Conference. I point out that there was no connection whatsoever between the business of the two delegations, that to the Extraordinary Assembly of the League of Nations, MATSUOKA, Chief Delegate, and that to the Disarmament Conference, of which latter I was the Secretary-General. Although some evidence has

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already been given on this point (defense document No. 2740), I should like to emphasize that I originated the proposal that neither should the business of the two delegations be intermingled nor should the personnel of the two be common, and that this proposal was adopted in principle by our Chief Delegate, Mr. MATSUDAIKA, and the other delegates, and was as far as possible carried out in practice. Although inevitably there was some overlapping of personnel, I, at least, had nothing whatsoever to do with the business of the delegation to the Assembly concerned with the Manchurian question. So far as concerns my being 'with MATSUOKA,' he did not in point of fact leave Tokyo for Geneva until October (defense document No. 2780). By that time the Disarmament Conference was in summer recess and I had been ordered home to report and confer, and had left Berlin on 22 August for Japan. Upon my arrival at my post in Berlin on 19 November, I found the order, dated the preceding day, for me to return to Tokyo for a new assignment as Director of the European-American Bureau. I therefore went to Geneva to report on my visit to Japan, remained there for about ten days, and returned to Berlin, which I quitted on 22 December for Japan. During that brief stay at Geneva I had no official connection with Mr. MATSUOKA, and no occasion

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1 to 'defend' the Manchurian Incident--although we
2 stayed at the same hotel and I did, of course, meet
3 him. By the time that he led the Japanese delegation's
4 withdrawal from the Extraordinary Meeting of the League
5 Assembly, in February 1933, I was no longer in Geneva,
6 but was then in Japan (defense document No. 1280).
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1 "4. The prosecution have asserted (13 November
2 1946, record page 10,297) that in 1941 I became a member
3 of the Supreme War Council. That the Supreme War Council
4 was composed of military men can be discovered from
5 defense document No. 2781. That membership in this body
6 was restricted to general officers of the Army and flag
7 officers of the Navy was in fact stated to the Tribunal
8 by a prosecutor (14 June 1946, record page 672). This
9 allegation of my membership seems to be founded upon a
10 document (exhibit No. 102), the original Japanese of
11 which refers not to the Supreme War Council (Gunji
12 Shangiin) but to the Supreme Council for Direction of
13 the War (Saiko Senso Shido Kaigi); however the prose-
14 tor also explained, correctly, to the Tribunal (14
15 June 1946, record page 681), that this organ was estab-
16 lished under the KOISO Cabinet, in 1944. I was there-
17 fore not a member of this body in 1941.

18 "5. It has been pointed out to the Tribunal
19 several times that in the course of my public service
20 I received various awards and decorations, some of which
21 are suggested to have sinister implications. Since I
22 believe that evidence already introduced (defense docu-
23 ments Nos. 2744 and 2755) will have given the Tribunal
24 an understanding of this subject, a few words from me
25 should suffice to dispose of the matter. It is intimated

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1 that the award bestowed upon me 'for services during
2 1931-4' was related to the Manchuria Incident (IPS
3 document No. 0001). It is obvious from the record of
4 my career that I had no connection whatever with the
5 Manchuria Incident, nor is there any evidence to connect
6 me therewith; I was in Berlin when the incident occurred,
7 and during all of 1931-34 to the time of this award I
8 was stationed either in Berlin or in Tokyo as Director
9 of the Foreign Ministry's European-American Bureau,
10 which had no direct connection with Manchurian affairs.
11 As awards for service in connection with any contempor-
12 anous affairs could in those days have been given in
13 the guise of award for services in the Manchuria Incident,
14 the award bestowed upon me for services in 1931-4 could
15 therefore have been in connection with other matters;
16 but if I had been decorated for services in connection
17 with the Manchurian affair I would have been, as has
18 already been testified (exhibit No. 3147, record page
19 28,026), one of 452,826 recipients of such awards. The
20 award granted me for services in connection with the
21 conclusion of the Anti-Comintern Pact came to me as
22 director of the bureau in charge of the negotiations
23 concerning the Pact. It is customary on these occasions,
24 under the Japanese system, to bestow the awards upon
25 the officials concerned in management of the matter,

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1 quite without regard to their personal views or the
2 large or small part which they actually played in the
3 matter. That I was given an award upon the occasion
4 of the conclusion of the Anti-Comintern Pact despite my
5 having, as I shall testify presently, been unsympathetic
6 to it, is perhaps sufficient commentary upon the sig-
7 nificance of these awards. So far as concerns the
8 decoration for 'services in connection with the China
9 War' (31 January 1947, record page 16,944), these awards,
10 as I have mentioned, covered all services in the period
11 under consideration. But if I had been decorated for
12 services in connection with the China Affair, it has al-
13 ready been shown (exhibit No. 3147) that 3,319,547 others
14 received awards on the same basis. My award, it is said,
15 was 'the highest Japanese award'. It is quite clear
16 that Japan has higher awards; but in any event, this one
17 was in the circumstances the one appropriate for bestowal
18 under the Japanese system of awards.

19 "6. I should like also, before coming to the
20 substantive matters of my testimony, to dispose of the
21 question of the Kokusaku Kenkyukai (National Policy
22 Research Society), my membership in which has been
23 shown (exhibit No. 683) to prove that I entertained
24 aggressive designs upon the world at large. I believe
25 that the nature of the Society has been made sufficiently

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1 clear from evidence already introduced (exhibit No. 678
2 and defense document No. 2747). I need add only that I
3 never paid membership fees or dues, never attended
4 meetings (unless it be a ceremonial New Year's Day
5 affair, or the like), never served the Society as
6 officer or committeeman (though I was requested to take
7 office in it), and never had the slightest knowledge of
8 what it was doing or proposed. I was solicited by a
9 personal friend to become a member, and did, in just the
10 same way that any man in public life is likely to take
11 out membership in any number of organizations without
12 inquiring into the details of their activities. As to
13 the donation which has been testified to having been
14 made to the Society by the Foreign Ministry, I had
15 nothing to do with it; if it occurred, it was a matter
16 transacted by the Vice-Minister in conformity with pre-
17 cedent and routine, and I was not consulted concerning
18 it.

19 "Part II. Russian Affairs.
20
21 "7. Throughout my diplomatic career Russo-
22 Japanese relations have been the most important problem
23 for Japan after that of China, and not a small part of
24 my career has been devoted to it. As section chief in
25 the European-American Bureau from 1923 to 1925 I was
concerned directly with Russian affairs; and during my

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1 time in the post of Director of the European-American
2 (later European-Asiatic) Bureau, 1933-1937, Russian
3 affairs were of paramount importance among the affairs
4 under my jurisdiction.

5 "8. During my tenure as Chief of the First
6 Section of the European-American Bureau I was the official
7 directly concerned with solution of Japanese-Russian
8 problems, and it was during this time that we finally
9 reached a settlement of the many points of contention
10 which had arisen as a result of the Soviet Revolution
11 and the Siberian Expedition carried out jointly with
12 the United States, Britain and France, and which had been
13 since pending between Japan and the U.S.S.R. My efforts
14 were devoted to the settlement of such problems as Soviet
15 ratification of the Treaty of Portsmouth, Soviet recog-
16 nition of the Czarist debts to Japan and the question
17 of prohibition of Communist propaganda in Japan. The
18 settlement of these questions which was finally arrived
19 at was embodied in the Soviet-Japanese Basic Convention
20 granting Japanese recognition of the Soviet Government
21 and reestablishing relations on a normal basis, signed
22 at Peking in January 1925.

23
24 "9. Although my designation as chief of the
25 European-American Bureau was dated 1 February 1933, I
actually took over the office only in early March,

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1 having meanwhile visited my home on leave and spent a
2 considerable time at my personal affairs. I am charged
3 here with having assisted in engineering the withdrawal
4 of Japan from the League of Nations; actually I had no
5 connection with this high-level policy decision, the
6 general trend of which had been decided before I entered
7 upon the discharge of the duties of my office as bureau
8 director in March (defense document No. 2941) -- my
9 bureau not being the one in charge of the matter. (I
10 had expressed my personal opinion, in the days when the
11 question of withdrawal was being mooted at Geneva, that
12 such a course would be unfortunate for Japan (defense
13 document No. 2740.) Although the formal notification
14 of Japanese withdrawal from the League was given on
15 27 March 1933, the policy had for all practical purposes
16 been determined when Mr. MATSUOKA led the Japanese
17 delegation from the meeting of the Assembly in late
18 February. After the withdrawal from the League of
19 Nations, I submitted to Count UCHIDA, the Foreign
20 Minister, at his request, a written opinion entitled
21 'On the Foreign Policy of Japan vis-a-vis Europe and
22 America Following Withdrawal from the League of Nations'
23 (defense document No. 146). As showing my concern with
24 Russian questions, it may be noted that although this
25 report treats of Japanese relations with the United States

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1 and all the chief European countries, over a third of
2 it is devoted to the Soviet question. I might say that
3 so far as it lay within my competence and my abilities,
4 I worked throughout my later career for the fulfillment
5 of the entire diplomatic policy set out in this plan of
6 1933. With such other important branches of Japanese
7 diplomacy as affairs of China and of the United States
8 and Britain I had in later years almost no direct con-
9 nection -- until by their complications they had so
10 deteriorated as to bring us to the verge of the Pacific
11 War -- and was not in a position to work to any good
12 effect for the carrying out of my proposed policies in
13 those fields. But so far as Soviet affairs are concerned,
14 I had the opportunity to deal with them for a consider-
15 able period, and the main points of my program as set
16 forth in the above-mentioned opinion were subsequently
17 brought to fruition. These points, which were the
18 results of my interest in and study of the question
19 were three: conclusion of a non-aggression pact; settle-
20 ment of the Chinese Eastern Railway question by purchase
21 of the Soviet interest; demarkation of the Soviet-
22 Manchukuo boundaries.

23
24 "10. My first work as Director of the European-
25 American Bureau was the negotiations proposed by the
U.S.S.R. which eventually led to the purchase by Manchukuo

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of the half interest of the U.S.S.R. in the Chinese
1 Eastern Railway, and the removal of that long-standing
2 source of friction in Soviet-Manchukuo and Soviet-
3 Japanese relations. These negotiations were peculiarly
4 taxing and complex, and occupied much of my time for
5 almost two years. I shall not here repeat the details --
6 how the parties were at the outset extremely far apart
7 in their ideas of the monetary value of the Soviet in-
8 terest; how the negotiations were repeatedly interfered
9 with and rendered more difficult by the occurrence of
10 conflicts in Manchukuo; how the Japanese military
11 authorities had repeatedly to be persuaded that amicable
12 settlement of the issue was to Japan's interest. These
13 have been told by other witnesses (exhibit No. 3234 and
14 defense document No. 2753).
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S p r a t t & D u a g

"The result was that, while to eliminate a source of friction in Manchuria and to make the situation tranquil the Japanese Government worked as mediator to smooth the course of the negotiations between Manchoukuo and the U.S.S.R., my bureau and I were in fact fully occupied in persuading the parties to compromise their original claims. The prosecution have referred to the Chinese Eastern Railway sale as having been intended to strengthen Japan's position in Manchoukuo and to eliminate concessions of foreign countries, except Japan, there. This argument overlooks the fact that the sale was first proposed by the U.S.S.R. and that the three governments concerned were from the first at one on the belief that the transaction would promote peace in the Far East (exhibit No. 3251). It was by the request of the U.S.S.R. that the guarantee by Japan of the obligation to pay the purchase price also was made, the Soviet Government lacking confidence in the solvency of Manchoukuo. As I have already mentioned, the consummation of this transaction was an ambition of mine of long standing, as proposed in the report to Foreign Minister UCHIDA.

24 "11. During the progress of the negotiations
25 referred to in the preceding paragraph the Foreign
Ministry was reorganized; the European-American Bureau

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1 was divided into two, and its functions transferred
2 partly to the new American Bureau and partly to the new
3 European-Asiatic Bureau, which was charged also with
4 responsibility for matters affecting European countries
5 and continental Asia except China, Thailand, etc. My
6 chief interest and specialty being, as I have mentioned
7 before, in the Russian field, I was appointed to the
8 bureau which succeeded to responsibility for Russian
9 relations, the European-Asiatic Bureau (I shall here-
10 after refer to the Bureau during my tenure generally
11 by its later name).

12 "12. Immediately after the successful conclu-
13 sion of the Chinese Eastern Railway transaction, I had
14 to turn my undivided attention to the Soviet-Manchoukuoan
15 border question. Before my entry into the office of
16 Director of the European-American Bureau agreement had
17 been reached between the Governments of Japan and the
18 U.S.S.R. to study the question proposed by Japan of
19 establishing a mixed (Soviet-Japanese-Manchoukuoan)
20 commission for the prevention of border disputes. With
21 the Chinese Eastern negotiations supervening, however,
22 it was not until May 1935, when they were at last con-
23 cluded, that the negotiations on this question were
24 entered into. After the foundation of Manchoukuo,
25 border incidents had been numerous; but during the time

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1 that the Chinese Eastern Railway question was under
2 discussion feeling was good, and the number of incidents
3 had decreased. It seemed to me an opportune time,
4 therefore, to try to put an end to the constant expen-
5 diture of effort which, to the annoyance of both par-
6 ties, was required to settle the incidents, by entrust-
7 ing the task of preventing and settling border disputes
8 as far as possible to such a commission. I therefore
9 endeavored to commence negotiations for establishment
10 of this commission in the summer of 1935. The Govern-
11 ment of Manchoukuo and the Kwantung Army, however,
12 insisted that first the establishment of a border-
13 demarkation commission be agreed before the establish-
14 ment of the commission for settlement of disputes, to
15 which the Soviet Government eventually agreed; as a
16 result, however, of differences of opinions the nego-
17 tiations were finally dropped. Thus even in 1938,
18 when I arrived in Moscow as Ambassador, I found neither
19 commission yet established, and the demarkation of the
20 Mongolian-Manchoukuoan border in the Nomonhan District,
21 which in 1939 I succeeded in bringing about by negotia-
22 tions with People's Commissar Molotov (exhibit No. 767),
23 was the only result achieved in the history of many
24 years' negotiations between Japan and the U.S.S.R.
25 directed toward this end.

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"13. In the summer of 1931
relations were again troubled, by the
occupation by Soviet troops of the
in the Amur River. The Kwantung
patch troops to the spot to settle
fence of what it considered were
choukuo; but I insisted strongly
and in the end the incident was
without developing into a serious
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Minister) had intimated to
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Mr. HIROTA told me
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1 that the Chinese Eastern
2 discussion feeling was
3 had decreased. It seemed
4 therefore, to try to put
5 diture of effort which, to
6 ties, was required to settle
7 ing the task of preventing an
8 as far as possible to such a
9 endeavored to commence negotiations
10 of this commission in the summer
11 12 of Manchoukuo and the Kwantung
13 insisted that first the establish-
14 demarkation commission be agreed be-
15 which the Soviet Government eventual-
16 result, however, of differences of op-
17 tions were finally dropped. Thus
18 when I arrived in Moscow as Ambassador,
19 commission yet established, and the demar-
20 Mongolian-Manchoukuoan border in the Nolo
21 which in 1939 I succeeded in bringing about
22 tions with People's Commissar Molotov (ext.)
23 was the only result achieved in the history
24 years' negotiations between Japan and the U.S.
25 directed toward this end.

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1 that the Chinese Eastern Railway question was under
2 discussion feeling was good, and the number of incidents
3 had decreased. It seemed to me an opportune time,
4 therefore, to try to put an end to the constant expen-
5 diture of effort which, to the annoyance of both par-
6 ties, was required to settle the incidents, by entrust-
7 ing the task of preventing and settling border disputes
8 as far as possible to such a commission. I therefore
9 endeavored to commence negotiations for establishment
10 of this commission in the summer of 1935. The Govern-
11 ment of Manchoukuo and the Kwantung Army, however,
12 insisted that first the establishment of a border-
13 demarkation commission be agreed before the establish-
14 ment of the commission for settlement of disputes, to
15 which the Soviet Government eventually agreed; as a
16 result, however, of differences of opinions the nego-
17 tiations were finally dropped. Thus even in 1938,
18 when I arrived in Moscow as Ambassador, I found neither
19 commission yet established, and the demarkation of the
20 Mongolian-Manchoukuoan border in the Nomonhan District,
21 which in 1939 I succeeded in bringing about by negotia-
22 tions with People's Commissar Molotov (exhibit No. 767),
23 was the only result achieved in the history of many
24 years' negotiations between Japan and the U.S.S.R.
25 directed toward this end.

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"13. In the summer of 1937 Russo-Japanese relations were again troubled, by the landing on and occupation by Soviet troops of the Kwan-tsa-tse Island in the Amur River. The Kwantung Army was eager to dispatch troops to the spot to settle the incident by defence of what it considered were the frontiers of Manchoukuo; but I insisted strongly on negotiation first, and in the end the incident was settled by negotiation without developing into a serious clash. This was, however, the last matter of business concerning the U.S.S.R. which I managed as bureau director. In March 1936, Premier HIROTA (who was concurrently Foreign Minister) had intimated to me his intention of appointing me Ambassador to the U.S.S.R. Having been engaged for many years in Soviet affairs, and they being of the greatest interest to me, I was of course quite happy at the prospect of appointment to the post of Ambassador to Moscow. However, after Mr. ARITA was appointed Foreign Minister, relieving the Premier of the portfolio, the Moscow post went to another, and I was finally in October 1937 appointed Ambassador to Germany. Mr. HIROTA told me afterward that, though he had considered it appropriate to send me to the U.S.S.R., personnel problems of the Foreign Ministry had compelled him to make a different appointment.

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"14. On 15 October 1938, being then Ambassador to Germany, I was appointed Ambassador to the U.S.S.R., and arrived at my post in Moscow on 29 October. Upon my arrival I found awaiting my attention a serious problem in the form of the perennial fisheries question. Since 1936, when the negotiation of a new fisheries convention had bogged down owing to the conclusion of the Anti-Comintern Pact, it had been necessary to conclude annually an arrangement on the fisheries question, and trouble and difficulties arose annually. At the time of my arrival in Moscow as Ambassador, at the end of October 1938, I found the state of affairs especially serious, because a large part -- about half -- of the Japanese leases for fisheries lots, including those operated under long-term contracts, were about to expire together, and the Soviet Government evidenced no intention to conclude the annual agreement, as the Japanese Government desired. It required much patience and long-drawn-out negotiations to settle the matter -- for the first time in the course of the fisheries questions the new year commenced with no agreement of any sort in effect -- and the matter became so serious that for a time it even threatened to bring about a rupture of diplomatic relations between the two countries. Finally, however, our labors

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resulted in a settlement in April of the following
1 year, 1939; but as a result of the work done then the
2 negotiation of the annual modus vivendi in subsequent
3 years was easier for me and my successors. In 1939,
4 for example, after the Nomonhan settlement, we commenced
5 the negotiation for an agreement for 1940 in the middle
6 of November, and had reached agreement and were able
7 to initial the document, after a last all-night session,
8 by 8 o'clock on New Year's morning, 1940 -- a day which
9 Commissar Molotov and I, with our staffs, greeted in
10 the Kremlin in the most friendly atmosphere with toasts
11 drunk in champagne.

"15. The Nomonhan Incident, which broke out
13 in May 1939, is charged to me as a crime against the
14 U.S.S.R. conspired for by me. It is probably superfluous
15 to say that, being in Moscow when the incident occurred,
16 I first knew about it only by the Soviet protests and
17 by cablegrams from the Foreign Ministry, and that I
18 had never discussed it or any other conspiracy against
19 the Soviet Union with any person whomsoever. The de-
20 tails of the negotiations for settlement of the Nomonhan
21 Incident have been testified to by the witness OTA
22 (exhibit No. 2659), and I therefore refrain from repeat-
23 ing them here. I might add that when the settlement
24 was arrived at between Foreign Commissar Molotov and me

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(exhibit No. 767) there was none who suggested that I
1 had conspired to wage a war of aggression against them
2 or that my position or conduct throughout the affair
3 were other than those of any diplomat negotiating to
4 settle a problem which had arisen between two govern-
5 ments -- in fact, Foreign Commissar Molotov said at
6 the time we agreed upon the settlement that it was an
7 augury of better relations between our countries. As
8 a result of the Nomonhan settlement, part of another
9 item of my 1933 plan for Russo-Japanese relations --
10 the demarcation of Soviet-Mongolian boundaries with
11 Manchoukuo -- came about. This point having already
12 been fully testified to by the witness OTA, I shall
13 not refer further to it here.

15 "16. At this stage of relations between the
16 two countries, I felt it opportune to undertake the
17 negotiation of the non-aggression pact which I had
18 long desired. My motive was nothing more recondite
19 than to secure for both countries the obvious benefit
20 in the way of improved Soviet-Japanese relations to
21 be derived from the conclusion of such a pact. I had
22 certainly no idea of encouraging Japan to undertake
23 southward expansion -- a policy which I was always
24 opposed to as sure to cause conflicts with Britain and
25 the Netherlands, and probably, in the end, with the

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United States as well; and therefore I had no such
1 intention as that which the prosecution has imputed to
2 me of 'making a friend of the enemy in the north' in
3 order to facilitate a southward advance. My motives
4 in undertaking to conclude a non-aggression pact were
5 just as I had expressed them in my written opinion on
6 the subject submitted to the Foreign Minister in 1933.
7 (With the Soviet proposal for a non-aggression pact
8 made in December 1931, and declined as premature in
9 January 1933, exhibits Nos. 744-747, I had nothing to
10 do, arriving in Japan from Germany only on 28 January
11 1933 and taking office as Bureau Director in March.)
12 The commencement of such negotiations, however, even
13 in 1939 was not easy, and required repeated telegrams
14 and the dispatching to Tokyo of a member of my staff,
15 as has been testified to. After at length obtaining
16 authority from the Japanese Government, I commenced
17 such negotiations. These resulted in general agreement
18 between Commissar Molotov and me for conclusion of a
19 neutrality pact, which had been put into draft form,
20 and only the Russian desire concurrently to liquidate
21 some of the concessions in North Sakhalin prevented
22 conclusion of the agreement. Then suddenly, in October
23 1940, I was compelled to return to Japan, leaving the
24 negotiations uncompleted. At the time I received the
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Instructions for my return to Japan I received also
1 specific directions to cease negotiations on the neutral-
2 ity pact. Nevertheless, when a neutrality pact was
3 concluded between Japan and the U.S.S.R. in April
4 1941 -- by which time I was thus able to see the reali-
5 zation of the three basic points which I had set out,
6 in 1933, as essential for the rationalization of
7 Soviet-Japanese relations -- it was of contents almost
8 identical with those of the preliminary agreement reached
9 between Commissar Molotov and me (exhibit No. 45 and
10 defense document No. 2918).

12 "17. The prosecution seems to place great
13 reliance on what they contend to be the fact that
14 when Foreign Minister MATSUOKA carried out his 'purge'
15 of the diplomatic service, recalling and dismissing
16 all ambassadors and ministers considered insufficiently
17 ardent toward his Axis-alignment policy, I was left
18 undisturbed in my position in Moscow (24 September 1946,
19 record page 6,270, 31 January 1947, record page 16,943).
20 That such is not the fact, but is an error growing
21 from an incomplete personnel record, has been asserted
22 by my counsel before the Tribunal (25 September 1946,
23 record page 6,364, when the prosecutor undertook to
24 investigate and report), and is proved by defense docu-
25 ment No. 1280, from which it appears that I was

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1 recalled on 29 August 1940, and actually arrived in
2 Tokyo on 5 November. This is perhaps the most conve-
3 nient place to give the sequel. Upon my return to
4 Tokyo Foreign Minister MATSUOKA intimated that my
5 resignation would be acceptable, several times mention-
6 ing the matter personally or by sending the Vice-Minister
7 or the Chief of the Personnel Section with the same
8 suggestion. I was quite obstinate in my refusal to
9 resign, and told the Foreign Minister that his demand
10 that diplomats resign simply because they were opposed
11 to his policy or estranged from him was entirely unjusti-
12 fied; I warned him also of the consequences of dismissal
13 of many experienced diplomats at one time. On each
14 occasion that my resignation was requested, I gave the
15 same answer: 'If you want to dismiss me, go ahead;
16 but I will not tender my resignation voluntarily, for
17 that would mean my approval of your policy.' No
18 further steps were taken by Mr. MATSUOKA; my successor,
19 General TATEKAWA, replaced me in Moscow (defense docu-
20 ment No. 1281), and I held the nominal position of
21 Ambassador, while in actuality I lived in retirement
22 and had nothing to do with the activities of the Foreign
23 Ministry for the year following my return to Japan, until
24 I became Foreign Minister in October 1941. During
25 that year I received no information regarding the

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development of Japanese diplomacy, and had no concrete
1 knowledge concerning it.

2 "III. German Relations.

3 "18. I have never been a specialist in
4 German affairs, though I have served in the Japanese
5 Embassy in Germany three times -- as Second Secretary,
6 Councillor and Ambassador. My first impressions of
7 Germany, when I was dispatched there in April 1919
8 under orders to examine the post-war condition of the
9 country and to report on the German attitude toward
10 the peace treaty, were such as to impress upon me the
11 horrors and miseries of war. My basic policy toward
12 Germany in later years was, as it had been set forth
13 in my report to Count UCHIDA, not one of positive
14 cooperation. After the Nazis came to power, I was not
15 only antipathetic to their dictatorial and totalitarian
16 politics but was skeptical of the widespread admiration
17 of the strength of Nazi Germany, having spent consi-
18 derable time in Germany and known the situation there.

19 "19. My first connection with German affairs
20 material here was, however, when the Anti-Comintern
21 Pact was negotiated during my service as Director of
22 the European-Asiatic Bureau of the Foreign Ministry.
23 The prosecution allege that I had a 'close connection'
24 with the Anti-Comintern Pact. Of course I had a close

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connection with it, as director of the Foreign Ministry
1 bureau which had charge of the negotiations concerning
2 the subject from the time that it came to the Foreign
3 Ministry. The nature and extent of my connection,
4 as bureau director, with this pact requires some expla-
5 nation if the true facts are to be understood.

6 "20. The history of the Anti-Comintern Pact,
7 so far as it concerned me or the Foreign Ministry,
8 commences at about the beginning of February 1936, with
9 a report from the Charge d'Affaires in Berlin, Council-
10 lor INOUE, that since the previous year conversations
11 had been in progress in Berlin between the German side
12 and the military attache to our Embassy with a view
13 to a defensive alliance between Germany and Japan
14 (exhibits No. 477 and 478). Upon receipt of this
15 information I requested the War Ministry and the General
16 Staff officers concerned for information about it;
17 shortly afterward Lieutenant Colonel WAKAMATSU informed
18 us of his general impressions of conditions in Germany,
19 from where he had just returned, but not about the
20 details of the conversations.
21
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1 "21. While the Foreign Ministry was study-
2 ing the matter, Mr. ARITA returned from China and be-
3 came Foreign Minister. At that time the Japanese
4 Ambassador to Germany, Viscount MUSHAKOJI, was in
5 Tokyo on leave, ~~and~~ the Foreign Minister had a conver-
6 sation with him in which he gave him oral instructions
7 to the effect that since it seemed to be necessary to
8 make a political agreement of some kind with Germany,
9 he should make a study of the matter upon his return
10 to Berlin. Formal instructions to the same effect
11 were sent to him around the time of his arrival there.
12 Ambassador MUSHAKOJI after returning to his post re-
13 ported a German proposal for an agreement which was
14 basically the Anti-Comintern Pact, but contained many
15 objectionable features. I had opposed from the outset
16 the idea of a pact based on Nazi ideological grounds,
17 and so stated to Foreign Minister ARITA. Being merely
18 a bureau director, I naturally had no voice in the
19 decision of the policy -- although a bureau director
20 can submit his opinion to his superiors, in the end
21 he only carries into effect the policies decided and
22 dictated by the government and the Foreign Minister.
23 I did on this occasion, however, endeavor to persuade
24 my superiors as well as the military authorities con-
25 cerned of the desirability of making the proposed

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1 Japanese-German agreement as weak as possible. In
2 other words, I argued that it should be limited strictly
3 to the bare minimum of what had been determined as the
4 national policy to be Japan's needs; and particularly
5 that the matter ~~should~~ be so managed, and the treaty so
6 framed, that it should not injuriously affect our
7 relations with Britain and the United States, as well
8 as with the U. S. S. R., unnecessarily. In this
9 endeavor I was successful in several points. The
10 policy on this question presented here as exhibit
11 No. 3267 was drawn by the European-Asiatic Bureau,
12 and my intention is to a certain extent represented
13 in it and the aforementioned points are to be seen in it.

14 "22. One of my chief reasons for insistence
15 on revision of the draft pact which had come to us
16 from the German Government was to the propagandistic
17 tone which permeated it. The preamble particularly,
18 which originally read like a Nazi manifesto, was greatly
19 changed while the document was in the hands of the
20 European-Asiatic Bureau, which changes were eventually
21 agreed to by the Japanese military authorities and by
22 the German side, with the result of the form as it
23 finally stands (exhibit No. 36). The text of the pact,
24 moreover, was rewritten to limit the cooperation between
25 the two nations to the exchange of information

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1 concerning the destructive activities of the Third
2 International and countermeasures to be taken against
3 them. The term of the pact was reduced from ten to
4 five years. I also removed such provisions as that
5 for meetings of the Foreign Ministers and other high
6 officials of the contracting nations. I thus suc-
7 ceeded in making the pact more businesslike.

8 "23. Above all, I strongly asserted that
9 the secret agreement attached to the pact (exhibit No.
10 480) should be of strictly defensive nature, and I
11 insisted on changes to that effect. The first article
12 of the secret agreement originally provided that it
13 would become effective 'should one of the High Con-
14 tracting States become the object of an attack or a
15 threat of attack' by the U. S. S. R. This was amended,
16 at my insistence, to limit its operation to the case
17 of unjustified attack, to read 'should one of the High
18 Contracting States become the object of an unprovoked
19 attack or an unprovoked threat of attack.' In con-
20 nection with Article 2, also, I succeeded in securing
21 German agreement to a list of exceptions from the re-
22 quirement of mutual approval of the contracting of
23 political agreements with the U. S. S. R., with the
24 intention of leaving Japan freer of German meddling
25 in our relations vis-a-vis the Soviet Union than

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would have been the case under the provision of the
1 pact taking its language at face value (exhibit No.
2 480).

3 "24. It was my feeling also that since
4 Japan had, despite what seemed to me the dangers of
5 such a liaison, determined upon the national policy
6 of entering into the Anti-Comintern Pact with Germany,
7 it was essential to keep the foreign policy of our
8 nation on a rational and balanced basis that efforts
9 be made to maintain a close relationship with the
10 democratic powers -- especially England. This stand
11 of mine can readily be comprehended from my 1933
12 report -- especially in that the report put emphasis
13 on the British policy -- but the latter part of
14 exhibit No. 3267 will further clarify it as of July
15 1936, at which time I presented to a conference held
16 between Foreign Ministry and army officials a policy
17 for managing the matter. The revisions in the pact
18 were agreed to by the army officials. But at the
19 same time I presented to the army officials my views
20 of the necessity of concurrently undertaking negotia-
21 tions for an entente cordiale with Great Britain.
22 War Minister TERAUCHI became angry at this suggestion,
23 and it was only after making great efforts to per-
24 suade him that I obtained his agreement to undertaking

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negotiations toward the rapprochement with England.

1 The general outline of what I had in mind, modelled on
2 the familiar treaties of consultation, is shown by the
3 memorandum prepared at the time (exhibit 3267). While
4 time was consumed in working on China affairs related
5 to the negotiations with Britain, the HIROTA Cabinet
6 fell. Even after the fall of the HIROTA Cabinet I
7 continued my efforts to obtain agreement within the
8 Foreign Ministry and to persuade the military authori-
9 ties to start the negotiations with the British Govern-
10 ment with a view to establishing closer relations.
11 After formation of the KONOYE Cabinet I requested of
12 Foreign Minister HIROTA that my appointment to an
13 ambassadorship be postponed still further to enable me
14 to work on the problem. Eventually an agreement was
15 reached among the ministries concerned, and an in-
16 struction was sent to the Ambassador at London to
17 commence negotiations; but at this point, when negotia-
18 tions were about to be initiated, the China Affair
19 broke out, in July 1937, bringing about the indefinite
20 postponement of the Anglo-Japanese pact question. My
21 appointment in October following as Ambassador to
22 Germany forced me to give up my design of bringing about
23 closer Anglo-Japanese relations.
24

25 "25. The prosecution seems inclined to make

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1 much of my attendance at meetings of the Privy
2 Council and its committee at which the Anti-Comintern
3 Pact was considered. The responsibility for the
4 management of this matter relative to the Privy Council
5 was joint, shared by the Treaty Bureau and the European-
6 Asiatic Bureau, and in this case the Director of the
7 Treaty Bureau undertook the explanations; I made none.
8 In any event, a bureau director in attendance on such
9 occasions has in no way any part in the debates nor in
10 the vote and decision. In fact, the record shows that
11 explanation of the Anti-Comintern Pact to this Privy
12 Council Committee was made by the Premier and the
13 Foreign Minister; I made no explanation, said nothing,
14 nor did I speak at any meeting of the committee or of
15 the full Privy Council which treated of the matter.
16

17 "26. The Anti-Comintern Pact was signed by
18 Germany and Japan in Berlin in November 1936. Italy
19 was not an original signatory of the Anti-Comintern
20 Pact, coming in only in November 1937 -- and was never
21 a party to the secret protocol. Although the prosecu-
22 tion have denominated me one of those 'most instru-
23 mental in the realization of . . . Japanese-Italian
24 collaboration,' the negotiations which brought Italy
25 into the pact were carried on entirely in Europe and
I took no part in the conduct of them. I was no

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1 longer handling the affairs of the European-Asiatic
2 Bureau (and was in fact absent from Tokyo) when Italy's
3 adhesion to the Anti-Comintern Pact was decided upon
4 and took place; for in September 1937 my appointment
5 to the German ambassadorship had already been in-
6 formally decided upon, and the business of my bureau
7 undertaken by my successor, Councillor INOUE. On
8 10 October I had left Tokyo for a trip of investiga-
9 tion in Manchoukuo (defense document No. 2866), and
10 I had nothing to do with Italy's adhesion to the pact.

11 "27. The circumstances of my designation as
12 Ambassador to Germany have already been mentioned.
13 My appointment was dated 27 October; I left Tokyo on
14 24 November and arrived at Berlin one month later, on
15 Christmas Eve of 1937. At that time, Japan had been
16 attempting to solve the China Affair through the good
17 offices of Germany, but the position of the German
18 Government was extremely equivocal. Professing con-
19 cern with strengthening friendly relations between the
20 two countries, at the same time she had for many years
21 had her military advisers in China, a great deal of
22 arms and ammunition were sold to China, and it was even
23 said that many German officers were training the
24 Chinese Army and directing the construction of military
25 works, and were accordingly actually engaged in war

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1 against Japan, helping the Chinese. For that reason
2 the stoppage of German aid to China was regarded by
3 the Japanese Government as most important and my
4 instructions from Foreign Minister HIROTA on the
5 occasion of my ~~visit~~ to Germany were to endeavor
6 to effectuate the recall of the military mission and
7 the stopping of the shipment of arms. My approach
8 to the German officials on this subject was, as it is
9 hardly necessary to emphasize, made in my character as
10 Ambassador; I did not make policy, but merely carried
11 it out in accordance with my instructions, by which
12 the ambassador's field of action is inescapably bounded.
13 My own opinion of the China Affair will be mentioned in
14 the appropriate place.

16 "28. The prosecution have attempted to
17 make much of my talk with Foreign Minister von Neurath
18 of 10 January 1938 (exhibit No. 486-D) as proof of
19 collaboration. I had called on him, as his memorandum
20 shows, merely to tender the thanks of my government
21 for Germany's efforts by way of mediation between Japan
22 and China (with the plan for mediation I had nothing
23 to do, the negotiation having been conducted in Tokyo).
24 He brought up the general question of the China Inci-
25 dent. It must be borne in mind that the policy of the
Japanese Government of not dealing with Chiang Kai-shek

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1 and of fighting the incident to a military conclusion
2 was just then under consideration by the cabinet and had
3 been substantially decided upon. This policy, with the
4 formulation of which I had no connection, was pub-
5 lished to the world on 16 January, a few days after my
6 conversation with von Neurath, at the 'KONOYE Declara-
7 tion' (exhibit No. 972-A). I had, however, had advance
8 information from Tokyo of the imminent decision, and
9 therefore naturally took it into account in stating
10 to von Neurath the policy of the Japanese Government."

11 THE PRESIDENT: We will adjourn until half-
12 past nine tomorrow morning.

13 (Whereupon, at 1600, an adjourn-
14 ment was taken until Thursday, 18 December
15 1947, at 0930.)

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